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BULLETIN No. 7

Amendments to the Consolidated Statutes

ENACTED BY THE

GENERAL ASSEMBLY OF NORTH CAROLINA

REGULAR SESSION 1927

COMPILED BY
H. M. LONDON
LEGISLATIVE REFERENCE LIBRARIAN

RALEIGH, NORTH CAROLINA
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NOTE

This bulletin is issued in compliance with Section 6147 of the Consolidated Statutes, which requires the Legislative Reference Librarian to keep the compilations of the Public Laws of the State revised to date. It contains the amendments to the Consolidated Statutes enacted at the 1927 regular session of the General Assembly. Bulletin No. 3 contained the amendments enacted at the extra session 1920 and regular session 1921. Bulletin No. 4 contained the amendments enacted at the extra session 1921. Bulletin No. 5 contained the amendments enacted at the regular session of 1923, and Bulletin No. 6 contained the amendments enacted at the extra session 1924 and regular session 1925. Copies of 4, 5 and 6 may be had on application. The amendments contained in 4 and 5 are also embraced in Volume Three of the Consolidated Statutes.

The chapters which in terms or in effect amend certain chapters, sections or subsections of the Consolidated Statutes have been brought forward in this bulletin and are arranged according to the section number of the Consolidated Statutes. In each case the chapter number is given so that reference may be made to the session laws. These amendments have been printed so that they may be clipped and pasted in the Consolidated Statutes or the bulletin may be used as a supplement in its present form.

Several laws, such as the Revenue and Machinery Act, Motor Vehicle Laws, the School Law, Blue Sky Law, Game and Fish Laws, Banking Law, County Government Law, Election Law, and others, are not brought forward here since they have been published in pamphlet form and may be had free upon application by persons interested in them.

H. M. London,
Legislative Reference Librarian.

July 15, 1927.

AMENDMENTS TO THE CONSOLIDATED STATUTES

ENACTED BY THE

GENERAL ASSEMBLY OF NORTH CAROLINA

REGULAR SESSION 1927

CHAPTER I

ADMINISTRATION

65 (*a*). Vol. III. Add at the end of the section: "Rowan" and "Martin."

1927, chap. 7.

72. In line 5, after the letters "p.m." and before the semicolon insert the following: "*Provided,* a certain hour for such sales shall be named and the sale shall begin without (within) one hour after the time fixed, unless postponed as provided by law, or delayed by other sales."

1927, chap. 19, sec. 2.

75. Add at end of section the following: "In lieu of renting said property or borrowing on the general credit of the estate, as hereinbefore authorized, the said executor, or administrator, may apply by petition, verified by oath, to the Superior Court, showing that the interest of the beneficiaries of the estate, for which he is executor or administrator, would be materially promoted by mortgaging said estate, in whole or in part to secure funds to be used for the benefit of said estate, setting out the application to be made of the proceeds of said loan and if all or a part of its creditors have agreed to accept an amount less than the full amount of their debt that fact shall appear, which proceeding shall be conducted as in other cases of special proceedings; and the truth of the matter alleged in the petition having been ascertained by satisfactory proof, a decree may thereupon be made that a mortgage be made by such executor, or administrator, in his representative capacity, in such way and on such terms as may be most advantageous to the interest of said estate; but no mortgage shall be made until approved by the judge of the court, nor shall the same be valid unless the order or decree therefor is confirmed and directed by the judge and the proceeds of the mortgage shall be exclusively applied and secured to such purposes and on such trusts as the judge shall specify: *Provided,* the proceeds from said sale shall be used exclusively for the discharge of all existing creditors, except such as shall file a writing in said cause agreeing to other terms set out in said writing.

The said executor or administrator shall not mortgage the property of said estate for a term of years in excess of the term fixed by the court in its decree. The word "mortgage" wherever used herein, shall be construed to include "deeds of trust."

1927, chap. 222.

86. In line 5 strike out the words "not exceeding two years." After the word "sale" in line six insert the following: "in such a manner as to size of lots, place of sale, terms of credit and security for payment of purchase money as shall be fixed in the order of sale, and if upon a time sale."

Add at end of section: "All sales of land, heretofore conducted under authority of this section, in which the deferred payments were extended over a period longer than two years, be and the same are hereby validated: *Provided,* that nothing in this act shall affect pending litigation."

1927, chap. 16.

137. Vol. III. Add at end of subsection six the following: "*Provided,* that a parent, or parents, who has wilfully abandoned the care, custody, nurture and maintenance of such child to its kindred, relatives or other person, shall forfeit all and every right to participate in any part of said child's estate under the provisions of this section."

1927, chap. 231.

CHAPTER II

ADOPTION OF MINORS

185. Add at end of section: "Any proceeding conducted under this section to which the adopting parent shall be a party shall be binding upon such party, regardless of lack of jurisdiction as to other persons or any irregularities in the proceeding."

1927, chap. 171, sec. 1.

189. Strike out the period at the end of section, insert a comma and add the following: "—and upon finding of such fact by the court, shall not be necessary

parties to any action or proceeding under this chapter: *Provided,* this section shall not prevent the parent from instituting a proceeding under the next section of this chapter."

1927, chap. 171, sec. 1.

191 (*a*). New section: "All proceedings for the adoption of minors, in courts of this State, are hereby validated and confirmed, and the orders and judgments therein are declared to be binding upon all parties to said proceedings and their privies and upon all other persons, until the orders or judgments shall be vacated as provided by law. Nothing herein contained shall be construed to prevent any interested person who was not a party to the proceeding from moving to set aside any such order or judgment within one year from notice thereof, as provided by law: *Provided further,* nothing herein contained shall prevent any parent from an application for restoration of his or her rights as provided in section one hundred ninety of the Consolidated Statutes.

"This act shall not affect any pending litigation or any vested rights."

1927, chap. 171, secs. 2 and 3.

CHAPTER IV

ATTORNEYS AT LAW

203. Strike out lines 4, 5, 6, including the word "causes" in line 7 and insert the following: "The judges of the Superior Court are authorized to limit the time of argument of counsel to the jury on the trial of actions, civil and criminal as follows: To not less than one hour on each side in misdemeanors and appeals from justices of the peace; to not less than two hours on each side in all other civil actions and in felonies less than capital; in capital felonies, the time argument of counsel may not be limited otherwise than by consent, except that the court may limit the number of those who may address the jury to three counsel on each side."

1927, chap. 52.

205. In line 2 between the word "court" and the word "of" insert the words "State or Federal." Strike out period at end of section, insert a semicolon and add the following: "and if any attorney be convicted of, or confesses to the commission of a felony in a State court, the presiding judge of such court (or if any attorney be convicted in a Federal court, it shall be the duty of the solicitor of the district in which such attorney is practicing to secure a certified copy of the judgment entered and present the same to the judge holding the courts in said district), shall cause a judgment to be entered and docketed in the office of the clerk of the Superior Court in which such attorney is convicted, or in which such attorney is practicing, disbarring said attorney, and the clerk of the Superior Court in which the same is docketed shall forthwith transmit a certified copy of said judgment to the clerk of the Supreme Court, whereupon, the Supreme Court shall revoke the license and the right of such attorney to practice law in the State."

1927, chap. 134.

CHAPTER XII

CIVIL PROCEDURE

476. Vol. III. Now reads: *"Contents, return, seal.* The summons must run in the name of the State, be signed by the clerk of the Superior Court having jurisdiction to try the action, and be directed to the sheriff or other proper officers of the county or counties in which the defendants or any of them reside or may be found. It must be returnable before the clerk and must command the sheriff or other proper officer to summon the defendant, or defendants, to appear and answer the complaint of the plaintiff within thirty (30) days after its service upon defendant, or defendants; and must contain a notice stating in substance that if the defendant or defendants fail to answer the complaint within the time specified the plaintiff will apply to the court for the relief demanded in the complaint; and must be dated on the date of its issue. Every summons addressed to the sheriff or other officer of a county, other than that from which it issued, must be attested by the seal of the court; but when addressed to the sheriff or other officer of the county in which it issued, such seal is unnecessary. Summons must be served by the sheriff to whom it is addressed for service within ten (10) days after the date of its issue; and upon serving the same, the officer shall note in writing upon the copy thereof, delivered to the defendant, the date of service, but failure to comply with this requirement shall not invalidate the service, and, if not served within ten (10) days after the date of its issue upon every defendant, must be returned by the officer holding the same for service, to the clerk of the court issuing the summons, with notation thereon of its non-service and the reasons therefor as to every defendant not served. Upon the return of a summons unserved for want of time to make service, as to any defendant or defendants not served, the clerk shall,

within three (3) days thereafter, issue an alias or pluries summons, as the case may require: *Provided*, that in all cases where service of summons is made by publication, such service by publication shall be completed within fifty (50) days from the commencement of the action."

1927, chap. 66, sec. 1; 1927, chap. 132.

492 (*a*). Vol. III. Repealed.

1927, chap. 66, sec. 2.

505. Vol. III. Now reads: "*First pleading and its filing.* The first pleading on the part of the plaintiff is the complaint. It must be filed in the clerk's office at or before the time of the issuance of summons and a copy thereof delivered to the defendant, or defendants, at the time of the service of summons: *Provided*, that the clerk may at the time of the issuance of summons on application of plaintiff by written order extend the time for filing complaint to a day certain not to exceed twenty (20) days, and a copy of such order shall be delivered to the defendant, or defendants, at the time of the service of summons in lieu of a copy of the complaint: *Provided further*, said application and order shall state the nature and purpose of the suit. The clerk shall not extend the time for filing complaint beyond the time specified in such order; except that when application is made to the court, under article forty-four, chapter twelve, of the Consolidated Statutes, for leave to examine the defendant prior to filing complaint, and it shall be made to appear to the court that such examination of defendant is necessary to enable the plaintiff to file his complaint, and such examination is allowed, the clerk shall extend the time for filing complaint until twenty (20) days after the report of the examination is filed as required by section nine hundred and two of the Consolidated Statutes When the complaint is not filed at the time of the issuance of the summons, the plaintiff shall, when he files complaint, likewise file at least one copy thereof for the use of the defendant and his attorney. When there are more than one defendant, the clerk, may, by written notice to the plaintiff, require the filing of additional (not to exceed six) copies of the complaint within the time specified in such notice, not to exceed ten days. Such notice may be served by mailing to the plaintiff or his attorney of record."

1927, chap. 66, sec. 3.

509. Vol. III. Now reads: "*Demurrer and answer.* The defendant must appear and demur or answer within thirty (30) days after the service of summons upon him, or within thirty (30) days after the final determination of a motion to remove as a matter of right, or after the final determination of a motion to dismiss upon a special appearance, or after the final determination of any other motion required to be made prior to the filing of the answer, or after final judgment overruling demurrer, or after the final determination of a motion to set aside a judgment by default under C. S., section six hundred, or to set aside a judgment under C. S., section four hundred and ninety-two. If the time is extended for filing complaint, then the defendant shall have thirty (30) days after the final day fixed by such extension in which to plead. The clerk shall not extend the time for filing answer or demurrer more than once nor for a period of time exceeding twenty days except by consent of parties. The defendant shall, when he files answer, likewise file at least one copy thereof for the use of the plaintiff, and his attorney; and the clerk shall not receive and file any answer until and unless such copy is filed therewith. The clerk shall forthwith mail the copy of answer filed to the plaintiff or his attorney of record."

1927, chap. 66, sec. 4.

Insert new article as follows:

ART. 20 (*a*). *Arbitration*

579 (*a*). Two or more parties may agree in writing to submit to arbitration, in conformity with the provisions of this act, any controversy existing between them at the time of the agreement to submit. Such an agreement shall be valid and enforcible, and neither party shall have the power to revoke the submission without the consent of the other party or parties to the submission save upon such grounds as exist in law or equity for the rescission or revocation of any contract.

579 (*b*). The arbitration agreement must state the question or questions in controversy with sufficient definiteness to present one or more issues or questions upon which an award may be based.

579 (*c*). The term "court" when used in this act means a court having jurisdiction of the parties and of the subject-matter.

579 (*d*). Upon the application in writing of any party to the arbitration agreement and upon notice to the other parties thereto, the court shall appoint an arbitrator or arbitrators in any of the following cases:

(*a*) When the arbitration agreement does not prescribe a method for the appointment of arbitrators, in which case the arbitration shall be by three arbitrators.

(*b*) When the arbitration agreement does prescribe a method for the appointment of arbitrators, and the arbitrators, or any of them, have not been appointed and the time within which they should have been appointed has expired.

(*c*) When any arbitrator fails or is otherwise unable to act, and his successor has not been appointed in the manner in which he was appointed.

Arbitrators appointed by the court shall have the same power as though their appointment had been made in accordance with the agreement to arbitrate.

579 (*e*). Any application made under authority of this act shall be made in writing and heard in a summary way in the manner and upon the notice provided by law or rules of court for the making and hearing of motions, except as otherwise herein expressly provided.

579 (*f*). The arbitrators shall appoint a time and place for the hearing, and notify the parties thereof, and may adjourn the hearing from time to time as may be necessary, and, on application of either party, and for good cause, may postpone the hearing to a time not extending beyond the date fixed for making the award.

579 (*g*). If any party neglects to appear before the arbitrators after reasonable notice the arbitrators may nevertheless proceed to hear and determine the controversy upon the evidence which is produced before them.

579 (*h*). If the time within which the award shall be made is not fixed in the arbitration agreement, the award must be made within sixty days from the time of the appointment of the arbitrators, and an award made after the lapse of sixty days shall have no legal effect unless the parties extend the time in which said award may be made, which extension or ratification shall be in writing.

579 (*i*). No one other than a party to said arbitration, or a person regularly employed by such party for other purposes, or a practicing attorney-at-law, shall be permitted by the arbitrator or arbitrators to represent before him or them any party to the arbitration.

579 (*j*). The arbitrator or arbitrators, or a majority of them, may require any person to attend before him or them as a witness, and to bring with him any book or writing or other evidence.

The fees for such attendance shall be the same as the fees of witnesses in the Superior Court.

Subpœnas shall issue in the name of the arbitrator or arbitrators, or a majority of them, and shall be signed by the arbitrator or arbitrators, or a majority of them, and shall be directed to the person and shall be served in the same manner as subpœnas to testify before a court of record in this State; if any person so summoned to testify shall refuse or neglect to obey such subpœnas, upon petition the court may compel the attendance of such person before the said arbitrator or arbitrators, or punish said person for contempt in the same manner now provided for the attendance of witnesses or the punishment of them in the courts of this State.

579 (*k*). Depositions may be taken with or without a commission in the same manner and for the same reasons as provided by law for the taking of depositions in suits pending in the courts of record in this State.

579 (*k-1*). At any time before final determination of the arbitration the court may upon application of a party to the submission make such order or decree or take such proceeding as it may deem necessary for the preservation of the property or for securing satisfaction of the award.

579 (*l*). The arbitrators may, on their own motion, and shall by request of a party to the arbitration,

(*a*) At any stage of the proceedings submit any question of law arising in the course of the hearing for the opinion of the court, stating the facts upon which the question arises, and such opinion when given shall bind the arbitrators in the making of their award:

(*b*) State their final award in the form of a conclusion of fact for the opinion of the court on the questions of law arising on the hearing.

579 (*m*). The award of the arbitrators, or of a majority of them, shall be drawn up in writing and signed by the arbitrators or a majority of them; the award shall definitely deal with all matters of difference in the submission requiring settlement, but the arbitrators may, in their discretion, first make a partial award which shall be enforceable in the same manner as the final award; upon the making of an award, the arbitrators shall deliver a true copy thereof to each of the parties thereto, or their attorneys, without delay.

579 (*n*). At any time within three months after the award is made, unless the parties shall extend the time in writing, any party to the arbitration may apply to the court for an order confirming the award, and the court shall grant such an order unless the award is vacated, modified, or corrected, as provided in the next two sections. Notice in writing of the motion must be served upon the adverse party, or his attorney, five days before the hearing thereof.

579 (*o*). In any of the following cases the court shall after notice and hearing make an order vacating the award, upon the application of any party to the arbitration:

(*a*) Where the award was procured by corruption, fraud or other undue means.

(*b*) Where there was evident partiality or corruption in the arbitrators, or either of them.

(*c*) Where the arbitrators were guilty of misconduct, in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy; or of any other misbehavior, by which the rights of any party have been prejudiced.

(*d*) Where the arbitrators exceeded their powers, or so imperfectly executed them that a mutual, final, and definite award upon the subject-matter submitted was not made.

Where an award is vacated and the time, within which the agreement required the award to be made, has not expired, the court may, in its discretion, direct a rehearing by the arbitrators.

579 (*p*). In any of the following cases the court shall, after notice and hearing make an order modifying or correcting the award, upon the application of any party to the arbitration:

(*a*) Where there was an evident miscalculation of figures, or an evident mistake in the description of any person, thing or property, referred to in the award.

(*b*) Where the arbitrators have awarded upon a matter not submitted to them.

(*c*) Where the award is imperfect in a matter of form, not affecting the merits of the controversy.

The order must modify and correct the award, so as to effect the intent thereof.

579 (*q*). Notice of a motion to vacate, modify or correct an award shall be served upon the adverse party, or his attorney, within three months after an award is filed or delivered, as prescribed by law for service of notice of a motion in an action. For the purposes of the motion any judge who might make an order to stay the proceedings, in an action brought in the same court, may make an order to be served with the notice of motion, staying the proceedings of the adverse party to enforce the award.

579 (*r*). Upon the granting of an order, confirming, modifying, correcting or vacating an award, judgment or decree shall be entered in conformity therewith.

579 (*s*). The party moving for an order confirming, modifying, correcting or vacating an award, shall at the time such motion is filed with the clerk, file, unless the same have theretofore been filed, the following papers with the clerk:

(*a*) The written contract or a verified copy thereof containing the agreement for the submission; the selection or appointment of the arbitrator or arbitrators, and each written extension of the time, if any within which to make the award.

(*b*) The award.

(*c*) Every notice, affidavit and other paper used upon an application to confirm, modify, correct or vacate the award, and each order made upon such an application.

The judgment or decree shall be entered (or docketed) as if it were rendered in an action.

579 (*t*). The judgment or decree so entered (or docketed) shall have the same force and effect, in all respects, as, and be subject to all the provisions of law relating to a judgment or decree; and it may be enforced, as if it had been rendered in the court in which it is entered.

579 (*u*). An appeal may be taken from the final judgment or decree entered by the court.

579 (*v*). This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

579 (*w*). This act may be cited as the uniform arbitration act.

597 (*d*). Vol. III. In every case where, prior to the first day of January, one thousand nine hundred and twenty-seven, a judgment by default final has been entered by the clerk of the Superior Court of any county in this State on a day other than Monday, contrary to section five hundred and ninety-seven (*b*) and five hundred and ninety-seven (*c*), volume three, Consolidated Statutes, such judgment shall be deemed to have been entered as of the first Monday immediately following the default and is hereby to all intents and purposes validated: "*Provided, however*, nothing in this act shall be construed to affect the rights of any interested party, as provided in section six hundred of Consolidated Statutes, volume three, other than for irregularity as to date of entry of the judgment by the clerk of the court."

1927, chap. 187.

633. In line 2, after the word "clerk" strike out the period and insert the following: "upon due notice, in writing to be served on the appellee and a copy of which shall be filed with the clerk of the Superior Court."

1927, chap. 15.

667. In line three strike out the words "within three years."

1927, chap. 24, sec. 1.

668. Repealed.

1927, chap. 24, sec. 2.

672. Now reads: *"When returnable.* Executions shall be dated as of the day on which they are issued and shall be returnable not less than forty nor more than sixty days from said date, and no execution against property shall issue until the end of the term during which the judgment was rendered."

1927, chap. 110.

687. Now reads: "No real property shall be sold under execution, deed of trust, mortgage or other contracts, except as provided in the following section until notice of sale has been posted at the courthouse door in the county for thirty days immediately preceding the sale, and also published once a week for four successive weeks in some newspaper published in the county, if a paper is published in the county: *Provided,* that if there be no newspaper published in said county the notice of such sale must be posted at the courthouse door and three other public places in the county for thirty days immediately preceding the sale."

1927, chap. 255, sec. 1.

688. Now reads: "No real property shall be sold under execution, deed of trust, mortgage or other contracts, except as provided in the following section until notice of sale has been posted at the courthouse door in the county for at least fifteen days and published at least once a week for two successive weeks in some newspaper, if a paper is published in the county where the re-sale is made."

1927, chap. 255, sec. 2.

691. Add at end of section: *"Provided,* a certain hour for such sales shall be named and the sale shall begin within one hour after the time fixed, unless postponed as provided by law, or delayed by other sales."

1927, chap. 19, sec. 1.

753. Now reads: *"Contested special proceedings; commencement; summons.* Special proceedings against adverse parties shall be commenced as is prescribed for civil actions. The summons shall command the officer to summons the defendant to appear at the office of the clerk of the Superior Court on a day named in the summons, to answer the complaint or petition of the plaintiff. The return date of the summons, the manner of service, whether by the sheriff or by publication shall be as is prescribed for summons in civil actions by section four hundred and seventy-six (476) of the Consolidated Statutes: *Provided, however,* the clerk shall indicate on the summons by appropriate words that the summons is issued in a special proceeding and not in a civil action."

1927, chap. 66, sec. 5.

CHAPTER XIII

CLERK OF SUPERIOR COURT

952. Amended as to Caldwell County.

Public-Local, 1927, chap. 43.

962. Strike out period at end of section, insert a semicolon and add the following: *"Provided,* that this act shall also apply to any moneys, in the amount of one hundred dollars or less, paid in the court for persons who are *non compos mentis,* and whose condition may be similar to that herein specified for indigent children."

1927, chap. 76.

CHAPTER XXII

CORPORATIONS

1131. Strike out the comma after the word "existence" in line one of subsection 3, insert a period and strike out all the rest of subsection 3.

1927, chap. 142, sec. 1 (*a*).

Strike out the period at the end of the section, insert a comma and add the following: "Or extend its corporate existence: *Provided,* that before the Secretary of State shall issue a certificate of such amendment to any corporation possessing powers, franchises, privileges or immunities, which could not be obtained under this chapter, he shall forthwith transmit to the Corporation Commission a copy of said certificate and shall not issue or record the same until duly authorized so to do by the Corporation Commission as provided for the issuing of certificates of incorporation of banks in chapter five, volume three, Consolidated Statutes of North Carolina: *Provided,* that nothing herein shall be construed to require the increase of the capital stock of a bank renewing its charter over the capital of such bank at the time such renewal is applied for."

1927, chap. 142, sec. 1 (*b*).

1162. Strike out the first sentence and insert the following: "Every stockholder shall be entitled to have a certificate signed by the president or a vice-president and by the treasurer or an assistant treasurer or the secretary or an assistant secretary of the corporation certifying the number of shares owned by him in such corporation."

1927, chap. 173.

1175. Strike out the following words from the section: "the polls must remain open one hour unless all stockholders are present in person or proxy and have sooner voted, or unless all the stockholders waive this provision in writing."

1927, chap. 138.

1179. In line 5, strike out the period after the word "chapter," insert in lieu thereof a semicolon and add the following: "*Provided,* a public service corporation may declare and pay such dividends from the surplus or net profits arising from its business except when its debts, whether due or not, exceed three-fourths of its assets."

1927, chap. 121.

CHAPTER XXIV

COUNTIES AND COUNTY COMMISSIONERS

1297. Vol. III. Add new subsection as follows: "31 (*a*). *To provide for classification of prisoners.* To divide all prisoners into three classes, or grades, as follows:

In the first class shall be included all those prisoners who have given evidence that they will, or who it is believed will observe the rules and regulations and work diligently and are likely to maintain themselves by honest industry after their discharge. These shall be known as Grade A prisoners and shall receive a commutation of their sentences at the rate of one hundred and four days for each year served.

In the second class shall be included those prisoners who have not as yet given evidence that they can be trusted entirely, but are reasonably obedient to the rules and regulations. These shall be known as Class B prisoners and shall receive a commutation of their sentences of seventy-eight days for each year served.

In the third class shall be those prisoners who have demonstrated that they are incorrigible, have no respect for the rules and regulations and seriously interfere with the discipline and the effectiveness of the labor of the other prisoners. Such prisoners shall receive no commutation of their sentences.

All prisoners shall be admitted into Class B except where it is known by the superintendent of the prison that a prisoner is serving for a second offense. In such cases the superintendent may put the prisoner in Class C in his discretion.

Prisoners of Class A shall be known as honor prisoners and shall be worked without stripes and in the discretion of the superintendent of the prison without guards. When in prison camps or in any other place of detention they may not be chained or under armed guards.

Prisoners in Class B shall wear stripes, if felons, be under guard and may or may not be chained in the discretion of the superintendent.

Prisoners in Class C shall wear stripes, if felons, wear chains during the day or night as in the opinion of the superintendent may be necessary.

Preference in assignment of work shall be given Class A prisoners.

The purpose of this act is to unify the regulations pertaining to county prisoners and to encourage industriousness among the prisoners.

The superintendent or other person having charge of prisoners shall keep a record showing, the name, age, date of sentence, length of sentence, crime for which convicted, home address, next of kin, and the conduct of each prisoner received."

1927, chap. 178.

Add new subsection as follows: "43. *To establish homes for indigent children.* To provide for the establishment and maintenance, with the approval of the State Board of Charities and Public Welfare, of such home or homes for indigent and delinquent children in said county, as to them may seem proper or necessary, or to co-operate with the board of county commissioners or other governing authority in any other county or counties in the establishment and maintenance, at some mutually agreeable point, of a district home for such purposes, said district to be established by agreement and said home to be established and maintained upon such terms as may be agreed upon by the boards of county commissioners of the several counties concerned."

1927, chap. 248.

1343. Add a new article following section 1343 as follows:

ART. 8 (*a*). *District Hospital Homes*

1343 (*b*). Any two or more adjacent counties may by action of the county commissioners in said counties, as hereafter provided, establish a district hospital-home for the aged and infirm, to be located at some suitable place within the counties composing the district, location and purchase to be controlled by a board

of trustees appointed by the county commissioners of the respective counties owning and controlling said hospital-home, each county having the same relative vote in all meetings of the board of trustees as such county has in the lower house of the General Assembly.

1343 (*c*). The county commissioners of the aforesaid counties are hereby authorized and empowered to sell and convey by deed all properties held by the aforesaid counties for the care and maintenance of their county's poor, and from the proceeds of such sale appropriate so much as may be required to meet said county's proportionate part of the funds necessary to perfect the completion of said community home for the aged and infirm, as provided herein.

1343 (*d*). Should it be deemed wisest not to sell said properties, or should any county not have said properties in its possession, or should any counties have said properties which would not be for sale, the necessary funds shall then be raised by direct taxation within the county or counties preferring this method of raising their pro rata part.

1343 (*e*). The several boards of county commissioners shall, as soon as they shall have agreed among themselves to establish a district hospital-home for the aged and infirm for their counties, appoint the members of the board of trustees, which board shall be known as the board of trustees of the district hospital-home for the district comprising ..... counties; the members of said board of trustees shall be appointed every two years by the boards of county commissioners, the term of office for said trustees shall be two years, and until their successors are chosen and qualified; that all vacancies shall be filled by the several boards of county commissioners, and said commissioners shall provide for the expense and compensation of said board of trustees.

1343 (*f*). This board of trustees shall, as soon as possible after appointment, assemble and organize by the election of a chairman, a secretary, and a treasurer, which last officer shall be bonded. They shall proceed promptly with the purchase of a site for such hospital-home, including, if they deem it desirable, a farm of suitable size, location and fertility, giving due consideration to sanitary surroundings and transportation facilities; provide for the necessary stock, tools and farm equipment, and shall then cause to be erected suitable plain, substantial, comfortable, permanent buildings for the accommodation of those for whom this act is intended, giving due regard to the separation of the sexes and races, and such other plans for segregation as their judgment and existing conditions may suggest. Said buildings are to be furnished with plain, substantial furniture, and such other equipment as conditions demand.

1343 (*g*). The several counties constructing, equipping, and operating a district hospital shall pay for the site and for the construction and equipment of the plant in proportion to the taxable property of the several counties, and shall own in the same proportion, but the operating expenses shall be borne by the several counties in proportion to the population of the county.

1343 (*h*). The State Board of Charities and Public Welfare shall have prepared plans for such district hospital-home, and shall furnish such plans on request to any board of trustees of any district hospital-home at cost; and that all such hospital-homes shall be built in accordance with plans furnished or approved by the State Board of Charities and Public Welfare.

1343 (*i*). As soon as the district hospital-home is ready for occupancy the several county homes, or poorhouses heretofore owned by the several counties, shall be closed and occupants shall be transferred and located in the district hospital-home for the aged and infirm herein provided for.

1343 (*j*). The board of trustees of the said district hospital-home shall elect a capable superintendent and such other employees as it may deem necessary to the efficient management of said district hospital-home, and shall fix their salaries with due regard to number and condition of inmates occupying said district hospital-home.

1343 (*k*). The board of trustees shall meet at least twice a year for the transaction of such business as their positions may require. They shall have the general conduct and management of the district hospital-home's affairs. They shall meet at the call of the chairman whenever he shall deem it necessary, or upon call issued by a majority of the board.

1343 (*l*). The matter to be considered at any special meeting shall be set out in the call for the special meeting, but any business may be transacted at special meetings which received a two-thirds vote of the entire board of trustees, although not mentioned in the call.

1343 (*m*). The board is vested with all powers not already mentioned which are possessed by boards supervising State institutions.

1343 (*n*). Any two or more counties constructing, operating and maintaining a district hospital-home for the aged and infirm shall, as required by law now in force, for the care and maintenance of those not able to care for themselves,

send such person or persons to the district hospital-home for the aged and infirm in lieu of the county home, and shall pay the expense of maintenance in proportion to the population of the county.

1343 (*o*). As soon after the first day of January of each year as may be practicable, the board of trustees shall cause a report to be made of the hospital-home, which report shall show the number of inmates, the county admitting them, date of admission, age, condition of health, sex, color, educational acquirements, diagnosis of disease if diseased, total number of inmates received during the year, average number cared for per month, names and disposition of those dismissed, pro rata cost of maintenance, the total amount of money expended, the total amount of money received from each county, and such information as the State Board of Charities and Public Welfare and the board of trustees of the district-hospital may demand. It shall also show an inventory and appraisement of property, real and personal, and give as strict account of receipts from farm and expenditure thereon, and such other information as may be required to check up the institution from all viewpoints.

1343 (*p*). A copy of the said report of the said board of trustees shall be furnished the county commissioners of the respective counties interested in and providing said district hospital-home."

1927, chap. 192; 1923, Public-Local, chap. 611.

CHAPTER XXVII

COURTS

1443. Vol. III. FIRST DISTRICT—TYRRELL COUNTY. Now reads: "Seventh Monday after the first Monday in March, to continue one week for the trial of criminal and civil cases; twelfth Monday after the first Monday in September for the trial of criminal and civil cases."

1927, chap. 123.

BEAUFORT COUNTY. In line six strike out the words "Criminal cases only" and insert "capital felonies and jail cases only."

1927, chap. 111.

SECOND DISTRICT—EDGECOMBE COUNTY. In line five, between the word "September" and the semicolon, insert the words "for civil cases only."

1927, chap. 128.

THIRD DISTRICT—HERTFORD COUNTY. Now reads: "First Monday before the first Monday in March, sixth Monday after the first Monday in March, to continue for two weeks; last Monday in July, for the trial of criminal cases only, and such other cases, proceedings and motions not requiring a jury trial; sixth Monday after the first Monday in September, to continue for two weeks; twelfth Monday after the first Monday in September, to continue for two weeks for the trial of civil cases only. For this term of court the Governor is hereby directed to appoint a judge to hold the same from among the regular or emergency judges."

1927, chap. 118.

VANCE COUNTY. Now reads: "Eighth Monday before the first Monday in March for criminal cases only; first Monday in March for criminal cases only; second Monday in March for civil cases only; fifteenth Monday after the first Monday in March for criminal cases only; sixteenth Monday after the first Monday in March for civil cases only; fourth Monday after the first Monday in September for criminal cases only; fifth Monday after the first Monday in September for civil cases only, each to continue one week. At any term for the trial of criminal cases, civil cases may be tried by consent."

1927, chap. 169.

FOURTH DISTRICT—JOHNSTON COUNTY. Add at the end of the paragraph the following: "Sixteenth Monday after the first Monday in March, for trial of criminal cases."

1927, chap. 190.

HARNETT COUNTY. In line four strike out the words: "to continue for two weeks, the second week for civil cases only."

Add at end of the paragraph the following: "fourth Monday after the first Monday in March and fourth Monday after the first Monday in September, each to continue for a period of two weeks, for the trial of civil cases only; fifteenth Monday after the first Monday in March, for trial of criminal cases."

1927, chaps. 161, 212.

WAYNE COUNTY. Now reads: "Fifth Monday before the first Monday in March; thirteenth Monday after the first Monday in March; first Monday before the first Monday in September; thirteenth Monday after the first Monday in September, each to continue for one week; sixth Monday before the first Monday in March; twelfth Monday after the first Monday in March; second Monday before the first

Monday in September; twelfth Monday after the first Monday in September, each to continue for one week, for civil cases only; fifth Monday after the first Monday in March and fifth Monday after the first Monday in September, each to continue for two weeks, for civil cases only."

1927, chap. 77.

SIXTH DISTRICT—ONSLOW COUNTY. Now reads: "The Superior Courts in Onslow County shall be held at the following times, to wit: First Monday in March, sixth Monday after the first Monday in March, to continue for two weeks for civil cases only; seventh Monday before the first Monday in September for civil cases only; fifth Monday after the first Monday in September; eighth Monday after the first Monday in September, for civil cases only; eleventh Monday after the first Monday in September and to continue for two weeks for trial of civil cases only.

"The commissioners of Onslow County shall have the same right to abrogate the term of court fixed to be held on the eighth Monday after the first Monday in September as said commissioners have heretofore had with reference to the court heretofore fixed to be held on the thirteenth Monday after the first Monday in September."

1927, chap. 179 (*a*), and sec. 2.

SAMPSON COUNTY. Now reads: "Fourth Monday before the first Monday in March; first Monday after the first Monday in March; eighth Monday after the first Monday in March; fourth Monday before the first Monday in September; first Monday after the first Monday in September. Each of the above terms to continue for two weeks. The September and March terms to be for trial of civil cases only. Seventh Monday after the first Monday in September, for trial of criminal cases only; thirteenth Monday after the first Monday in September, for trial of civil cases only."

1927, chap. 179 (*b*).

NINTH DISTRICT—BLADEN COUNTY. Now reads: "Eighth Monday before the first Monday in March for the trial of civil cases, and the trial of criminal cases where bills have been found, and cases on appeal from the recorder's court and courts of justices of the peace; the first Monday after the first Monday in March for the trial of both civil and criminal cases; the seventh Monday after the first Monday in March for the trial of civil cases only; the fourth Monday before the first Monday in September for the trial of civil cases, and criminal cases where bills have been found, and cases on appeal from the recorder's court and courts of justices of the peace; the sixth Monday after the first Monday in September for the trial of both civil and criminal cases. Said courts to continue for one week unless the business is sooner disposed of, and grand juries to be summoned only for the March and October terms of court."

1927, chap. 166.

ROBESON COUNTY. In line 9 between the word "weeks" and the word "tenth" insert the words "the first week for the trial of civil cases, and the second week for the trial of criminal cases."

In line 11 between the word "weeks" and the word "thirteenth" insert the words "for the trial of civil and criminal cases."

1927, chap. 84.

HOKE COUNTY. In line 2, strike out the words "third Monday before the first Monday in September to continue for two weeks" and insert the words "second Monday before the first Monday in September to continue for one week."

1927, chap. 155.

TENTH DISTRICT—ORANGE COUNTY. Add at end of paragraph: "The fourteenth Monday after the first Monday in March, to continue for one week, for the trial of criminal and civil cases and is hereby constituted a mixed term of court;

"The second Monday before the first Monday in September to continue for one week for the trial of criminal and civil cases and is hereby constituted a mixed term of court;

"The first Monday before the first Monday in September to continue for one week for the trial of civil cases only.

"For each separate week of court there shall be separate jurors summoned.

"If the judge regularly assigned to the district in which said county is situated be unable, because of another regular term of court in the said district, or for other causes, to hold any term of court hereinbefore provided in section one, then the Governor shall assign another judge to hold said term."

1927, chap. 205.

ELEVENTH DISTRICT—FORSYTH COUNTY. Add at end of section: "The first Monday before the first Monday in March to continue for two weeks; fourteenth Monday after the first Monday in March to continue for one week; first Monday after the first Monday in September to continue for two weeks."

1927, chap. 197.

CASWELL COUNTY. Add at end: "Ninth Monday after the first Monday in March for the trial of civil cases, sixth Monday after the first Monday in September for the trial of civil cases."

1927, chap. 202.

TWELFTH DISTRICT—GUILFORD COUNTY. Add at end of paragraph: "Second Monday before the first Monday in March to continue for two weeks for the trial of civil cases.

"Fourth Monday after the first Monday in March to continue for two weeks for the trial of civil cases.

"Eighth Monday before the first Monday in September to continue for one week for the trial of criminal cases.

"Seventh Monday after the first Monday in September to continue for one week for the trial of criminal cases.

"Eleventh Monday after the first Monday in September to continue for two weeks for the trial of civil cases.

"The commissioners of Guilford County are authorized and empowered in their discretion to pay the solicitor prosecuting the docket for the two criminal terms above provided, or other extra terms of criminal court of said county, not exceeding one hundred and fifty ($150.00) dollars a week for such terms, or to designate some other competent attorney to prosecute at any such terms on behalf of the State and to pay him not exceeding said sum for each such week of work by him.

"If the judge regularly assigned to the district in which said county is situate be unable because of another regular term of court in said district, or for other cause, to hold any term of court provided in section one hereof, then the Governor shall assign another judge to hold such term."

1927, chap. 211.

THIRTEENTH DISTRICT—ANSON COUNTY. In lines 3 and 4 strike out the words "the second week to be for civil cases only."

1927, chap. 181.

FIFTEENTH DISTRICT—MONTGOMERY COUNTY. Now reads: "Sixth Monday before the first Monday in March, for criminal cases: *Provided,* said term shall be a return term for such civil process as may be returnable at term and for hearing motions on the civil docket, and civil cases requiring a jury may also be tried at said term by consent of the parties thereto. Fifth Monday after the first Monday in March, to continue for two weeks, for civil cases only. Eighth Monday before the first Monday in September; third Monday after the first Monday in September, and eighth Monday after the first Monday in September, for civil cases; fourth Monday after the first Monday in September."

1927, chap. 193.

SIXTEENTH DISTRICT—CLEVELAND COUNTY. Add at end of paragraph: "Eighth Monday before the first Monday in March for one week."

1927, chap. 154.

SEVENTEENTH DISTRICT—MITCHELL COUNTY. In line 2, strike out the word "one" and insert the word "two" and insert after the word "only" in said line the following: *"Provided,* that the board of commissioners of Mitchell County may in their discretion, at their regular meeting held on the first Monday in July in any year dispense with the second week of said term of court beginning the sixth Monday before the first Monday in September."

1927, chap. 168.

EIGHTEENTH DISTRICT—TRANSYLVANIA COUNTY. Now reads: "Fourth Monday after the first Monday in March, fifth Monday before the first Monday in September, thirteenth Monday after the first Monday in September, each to continue for two weeks; fifth Monday before the first Monday in March to continue for one week and for the trial of criminal cases only. The board of commissioners of Transylvania County may, for good cause, decline to draw the grand jury for the July term of court provided for in this section.

"HENDERSON COUNTY. Seventh Monday before the first Monday in March, first Monday in March, fifth Monday after the first Monday in September, each to continue for two weeks; eighth Monday after the first Monday in March, twelfth Monday after the first Monday in March, eleventh Monday after the first Monday in September, each to continue for two weeks for the trial of civil cases only.

"RUTHERFORD COUNTY. Tenth Monday after the first Monday in March, ninth Monday after the first Monday in September, each to continue for two weeks; fourth Monday before the first Monday in March, first Monday before the first Monday in September each to continue for two weeks for the trial of civil cases only.

"MCDOWELL COUNTY. Eighth Monday before the first Monday in March to continue for one week for the trial of criminal cases only; second Monday before the first Monday in March to continue for two weeks for the trial of civil cases; fourteenth Monday after the first Monday in March to continue for three weeks for the trial of both criminal and civil cases; eighth Monday before the first Monday in September to continue for three weeks for the trial of civil cases only; first Monday after the first Monday in September to continue for two weeks for the trial of both criminal and civil cases.

"YANCEY COUNTY. Second Monday after the first Monday in March, seventh Monday after the first Monday in September to continue for two weeks; ninth Monday before the first Monday in September to continue for one week for the trial of civil cases only.

"POLK COUNTY. Sixth Monday after the first Monday in March, third Monday after the first Monday in September, each to continue for two weeks."

1927, chap. 207.

TWENTIETH DISTRICT—GRAHAM COUNTY. In line 1, after the word "Graham" insert the words "eighth Monday before the first Monday in March to continue for two weeks for civil cases only."

1927, chap. 245 (*a*).

MACON COUNTY. In line 1 strike out the word "seventh" and insert in lieu thereof the word "sixth."

1927, chap. 245 (*b*).

Sec. 1, chap. 35, 1923, repealed so that lines 3 and 4 after the word "September" now read: "each to continue for two weeks."

1927, chap. 245, sec. 2.

CLAY COUNTY. In line 1 strike out the word "sixth" and insert in lieu thereof the word "eighth"; strike out the word "fourth" in said line and insert the word "third," and add at the end of the paragraph the words "each to continue for two weeks."

1927, chap. 245 (*c*).

1461. Vol. III. In next to the last line of section strike out the word "Surry."

1927, chap. 268.

Insert the following at the end: "The compensation of each stenographer so employed shall be not exceeding ten dollars per day and two and one-half dollars per day expenses, and there shall be taxed in each case as provided in section one thousand, four hundred and sixty-one a reasonable fee, against the losing party in every action, civil and criminal, to be turned in to the county treasury toward reimbursing the county which fee shall be fixed by the judge presiding and taxed in each case at such amount as said judge may determine taking into consideration the time required in the trial of a cause: *Provided*, no tax or fee shall be charged against the State in any criminal action nor against the losing party in a suit brought in *forma pauperis*."

Applies to Surry County only.

1927, chap. 268, sec. 2.

In next to the last line, strike out the word "Perquimans."

1927, pr. 49.

1468. Now reads: "The Governor may, from time to time, at his discretion, appoint one or more fit persons in every county to act as justices of the peace, who shall hold their office for four years from and after the date of their appointment; and, on exhibiting their commission to the clerk of the Superior Court of the county in which they are to act, shall be duly qualified by taking before said clerk an oath of office and the oaths prescribed for other officers. The Governor shall issue to each justice of the peace so appointed a commission, a certificate of which shall be deposited with the clerk of the court and filed among the records, and he shall note on his minutes the qualifications of the justice of the peace.

"Any commission so issued by the Governor or his predecessor shall be revocable by him in his discretion upon complaint being made against such justice of the peace and when he shall be satisfied that the interest of the public will be best served by the revocation of said commission.

"That whenever the Governor shall have revoked the commission of any justice of the peace appointed by him, or his predecessor in office, it shall be his duty to file with the clerk of the court in the county of such justice of the peace a copy of said order and mail a copy of same to said justice of the peace.

"Any person holding himself out to the public as a justice of the peace, or any person attempting to act in such capacity after his commission shall have been revoked by the Governor, shall be guilty of a misdemeanor and upon conviction be punishable in the discretion of the court, as provided for in other misdemeanors."

1927, chap. 116.

1536. *et seq.* Special amendments as to recorder's court of Wendell.

Public-Local, 1927, chap. 505.

1570. Vol. III. Add at end of section: "The provisions of this section shall also apply to recorders' courts heretofore created under special act, where such recorders' courts have either exclusive concurrent jurisdiction with the Superior Court of the offense charged: *Provided, however*, a defendant shall have the right at the hearing before a justice of the peace to request that he be bound over to the Superior Court instead of to the recorder's court." Applies only to Vance and Warren counties.

1927, Public-Local, chap. 438.

1589. Vol. III. Applies to Surry County only. In line 3 strike out "ten" and insert "one."

1927, Public-Local, chap. 133, sec. 1.

1595. Applies to Surry County only. Add at end: *"Provided,* that in the discretion of the recorder, a jury of six men may be summoned, who may try the same."

1927, Public-Local, chap. 133, sec. 2.

1608. Vol. III. In line 3 after the word "eighteenth" insert "except to the county of Rutherford."

1927, Public-Local, chap. 545.

In line 3 after the word "sixteenth" insert "except as to Lincoln County."

1927, Public-Local, chap. 214, sec. 1.

1608 (*f*). Vol. III. As amended by chap. 242, Public Laws, 1925. In paragraph 2 of section 1, strike out the word "are" in line 1 and insert the word "is." In line 3 strike out the words "two or more cities each of" and insert the words "a city."

In line 4 of paragraph 3 of section 1 strike out the words "either or all of." In line 5 strike out the word "cities" and insert the word "city."

1927, chap. 74.

In line 2, between the word "State" and the word "there" insert the words "except Cherokee County."

County court for Cherokee County abolished.

1927, Public-Local, chap. 87.

1608-3. Bulletin 6. Make act applicable to Lincoln County by inserting after the word "sixteenth" in paragraphs 20 and 21 the words "except as to Lincoln County."

1927, Public-Local, chap. 214, amending 1925, chap. 305.

CHAPTER XXXI

DOGS

1680. Watauga County only. In lines 2 and 3 strike out the words "in the night time."

1927, Public-Local, chap. 503.

1681. All of section following the word "collected" in line 3 not applicable to Chatham, Wayne, Davie, Stokes, Harnett, Graham and Caldwell counties.

1927, Public-Local, chaps. 18, 219, 468 and 504.

CHAPTER XXXIV

ESTATES

1744. Vol. III. Add at the end of the second paragraph after the word "provided" the following: "That any person or persons owning a life estate in lands which are unproductive and from which the income is insufficient to pay the taxes on and reasonable upkeep of said lands shall be entitled to maintain an action, without the joinder of any of the remaindermen or reversioners as parties plaintiff, for the sale of said property and reinvestment of the funds under the provisions of this section, but in every such action when the rights of minors or other persons not *sui juris* are involved, a competent and disinterested attorney shall be appointed by the court to file answer and represent their interests.

"This act, being remedial, shall apply to cases where any title or interest in such lands shall have been acquired before, as well as after, the passage of this act: *Provided,* that this act shall not affect pending litigation."

1927, chap. 124.

In line 4 after the word "sale" insert the words "or mortgage."

In line 1 of paragraph 3 after the word "sale" insert the words "or mortgage," and after the word "held" in the same paragraph insert the words "or mortgage given."

1927, chap. 186, par. 1.

At the end of the section add the following paragraph:

"The court shall, if the interest of the parties require it and would be materially enhanced by it, order such property mortgaged for such term and on such condition as to the court seems proper and to the best interest of the interested parties.

The proceeds derived from the mortgage to be used for the sole purpose of adding improvements to the property. In all cases of mortgages under this section the court shall authorize and direct the guardian representing the interests of minors and the guardian *ad litem* representing the interest of those persons unknown or not in being to join in the mortgage for the purpose of conveying the interest of such person or persons. In all cases of mortgages under this section the owner of the vested interest or his or her legal representative shall within six months from the date of the mortgage file with the court an itemized statement showing how the money derived from the said mortgage has been expended, and shall exhibit to the court receipts for said money. Said report to be audited in the same manner as provided for the auditing of guardian's accounts. The owner of the vested interest or his or her legal representative shall collect the rents and income from the property mortgaged and apply the proceeds first to taxes and discharge of interest on the mortgage and the annual curtailment as provided thereby, or if said person uses or occupies said premises he or she shall pay the said taxes, interest and curtailments and said party shall enter into a bond to be approved by the court for the faithful performance of the duties hereby imposed, and such person shall annually file with the court a report and receipts showing that taxes, interest and the curtailment as provided by the mortgage have been paid.

"The mortgagee shall not be held responsible for the application of the funds secured or derived from the mortgage. The word mortgage whenever used herein shall be construed to include deeds in trust."

1927, chap. 186, par. 2.

CHAPTER XXXV

EVIDENCE

1791. In next to the last line between the word "year" and the word "may" insert the words "computed at four and one-half per cent."

1927, chap. 215.

CHAPTER XXXVI

FENCES AND STOCK LAW

1850. Applies only to Camden, Currituck, Gates, Pasquotank and Perquimans counties. In lines 3 and 4 strike out the words "fifty cents" and insert the words "one dollar."

In line 4 strike out the word "twenty-five" and insert the word "fifty."

1927, Public-Local, chap. 327.

1864. Vol. III. After the word "Wayne" insert "Richmond."

After the word "Alamance" insert "Beaufort."

1927, Public-Local, chaps. 72, 316.

CHAPTER XXXVII

FISH AND FISHERIES

1869. *et seq.* Vol. III. Powers and duties of the Fisheries Commission transferred to and assumed by Department of Conservation and Development.

1927, chap. 57, sec. 5.

1878. In last line of section, strike out "five cents" and insert "ten cents."

1927, chap. 59, sec. 2.

1891. Vol. III. Add at end of section: "For each trot line used in taking hard crabs, one dollar and fifty cents."

1927, chap. 59, sec. 7.

In line 4, strike out "one dollar" and insert "fifty cents."

1927, chap. 59, sec. 5.

1893. Vol. III. In line 5 strike out the words "two and three-quarter cents" and insert the words "four cents." Strike out the words "one cent" in the same line and insert the words "two cents."

1927, chap. 59, sec. 1.

Line 10 now reads: "Crab meat, five cents a gallon."

1927, chap. 59, sec. 6.

1966. Vol. III. At the end of the first paragraph, after the word "laws" insert the following: "*Provided*, it shall be lawful for nonresidents of the State to catch or capture Menhaden (fat-backs) from the waters of North Carolina north

of Cape Hatteras, on the payment to the State Fisheries Commissioner of seventy-five cents per ton on gross tonnage of such boats as they may operate, licenses issued under this proviso to expire December thirty-first of each year."

1927, chap. 59, sec. 4.

1970. Laws relating to operation of seines in Onslow County repealed and county placed under the operation of section 1970 which prohibits Sunday seining and drag net fishing.

1927, chap. 59, sec. 3.

CHAPTER XL

GUARDIAN AND WARD

2182 (*a*). Add a new section as follows: "2182 (*a*). In all cases where an inebriate, lunatic, or incompetent, from want of understanding to manage his or her own affairs by reason of the excessive use of intoxicating drinks or other causes, and such inebriate, lunatic, or incompetent has been so judicially declared and pursuant to such judicial finding such inebriate, lunatic, or incompetent has had a guardian appointed, is the maker of one of the makers, a surety, or one of the sureties, an endorser or one of the endorsers of any note, bond or other obligation, for the payment of money which is due or past due at the time of the appointment of said guardian, or shall thereafter become due prior to the settlement of the estate of the said ward, the guardian of said ward's estate is hereby authorized and empowered to execute as such guardian a new note, bond or other obligation for the payment of money, in the same capacity as ward was obligated for the same amount or less, but not greater than the sum due on the original obligation which shall be in lieu of the original obligation of the ward, whether made payable to the original holder or another, and is authorized and empowered to renew said note, bond, or other obligation for the payment of money from time to time, and said note, bond or other obligation for the payment of money so executed by said guardian shall be binding upon the estate of said ward to the same extent and in the same manner and with the same effect that the original note, bond or other obligation for the payment of money so executed by the ward was binding upon his estate: *Provided,* the time for final payment of the note, bond or other obligation for the payment of money, or any renewal thereof by said guardian shall not extend beyond a period of two years from the qualification of the original guardian as such upon the estate of said ward.

"The execution of any note, bond or other obligation for the payment of money mentioned in the first section of this act by the guardian of the inebriate, lunatic, or incompetent, shall not be held or construed to be binding upon the said guardian personally."

1927, chap. 45.

CHAPTER XLII

INNS, HOTELS, AND RESTAURANTS

2254. Add a new section as follows: "2254 (*a*). It shall be unlawful for any innkeeper or guest owning, keeping, or who has in his care a dog or dogs, to permit such a dog or dogs admittance to any bedroom or rooms used for sleeping purposes in any inn or hotel.

"Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall pay a fine not to exceed fifty dollars or be imprisoned not more than thirty days."

1927, chap. 67.

CHAPTER XLIII

INSANE PERSONS AND INCOMPETENTS

2286. Now reads: "If any person is confined in any hospital for insane persons in any State, territorial or Governmental asylum or hospital, in this State or in any other state or territory, or in the District of Columbia, the certificate of the superintendent of such hospital declaring such person to be of insane mind and memory, which certificate shall be sworn to and subscribed before the clerk of the Superior Court or any notary public, or the clerk of any court of record in the county, in which such hospital is situated and certified under the seal of court, shall be sufficient evidence to authorize to appoint a guardian for such idiot, lunatic or insane person. Further, the clerks of the different counties of this State are also authorized to appoint guardians for any person entitled to the benefits of the War Risk Insurance Act, as amended, and the World War Veterans' Act of nineteen hundred and twenty-four as amended, where it shall appear from the certificate of the Regional Medical Officer of the United States Veterans' Bureau of North Carolina that such veterans of the World War has been declared by the United States Government as incompetent to receive the funds to be paid to him under said Acts of Congress, and such certificate shall be all the proof required as to the incapacity of said veteran to receive such funds and as to the necessity of a guardian. Guardians for such veterans shall be subject to the same provisions of law as guardians of idiots, inebriates, lunatics, and incompetent persons in this State."

1927, chap. 160.

CHAPTER XLIV

INTEREST

2305. Add a new section as follows: "2305 (*a*). An agricultural credit corporation or association, organized under the laws of the State of North Carolina, may charge and collect by way of interest or discount on all loans made for agricultural purposes to farmers, growers and truckers of staple agricultural crops, fruits and vegetables respectively, a rate of interest or discount not exceeding two per centum per annum in excess of the rate of interest or rediscount rate charged by any Federal Intermediate Credit Bank to such agricultural credit corporation or association when rediscounting or purchasing from it the notes of such farmers, growers and truckers: *Provided*, that the total rate, both interest and rediscount to the borrower shall not exceed eight (8%) per centum per annum."

1927, chap. 101.

CHAPTER XLV

JURORS

2334. Vol. III. In lines 3, 8, 11, insert the word "Lenoir" after the word "Cumberland" and in line 15 after the word "Cumberland" insert the words "and Lenoir."

1927, Public-Local, chap. 162.

In line 2 before the word "Gaston" insert the word "Craven."

1927, Public-Local, chap. 80.

Add a new paragraph as follows:

"At the first term of the Superior Court for the trial of criminal cases in each year in Haywood County a grand jury shall be drawn and shall receive the charge of the presiding judge as provided by law, and such jury shall serve during the remainder of that calendar year and convene at each term of said court for the trial of criminal cases during each year: *Provided*, that at any time the judge of the Superior Court presiding over either criminal or civil court in said county may call said grand jury to assemble and may deliver unto the said grand jury an additional charge: *Provided further*, that the judge of the Superior Court presiding over either criminal or civil court in said county may at any time, cause to be drawn from the regular jurors drawn for any term additional members of the grand jury to take the place of any members of said grand jury who may have died or removed from said county or become incapacitated for said service; and *Provided further*, that the judge of the Superior Court presiding over either criminal or civil court in said county may at any time discharge said jury from said service in which event he shall cause a new grand jury to be drawn which shall serve out the unfinished year.

"The first grand jury drawn for said county after the ratification of this act shall serve the remainder of the calendar year of one thousand nine hundred and twenty-seven."

1927, Public-Local, chap. 305.

Add a new paragraph as follows:

"In the selection of a grand jury for Bertie County for the fall term of one thousand nine hundred and twenty-seven and annually thereafter, there shall be drawn and summoned forty men, in the same manner as now provided by law, from which a grand jury of eighteen shall be selected by the presiding judge of the Superior Court, which said grand jury shall serve for a period of one year from the time of their selection.

"The persons drawn for service on the grand jury at the term at which said grand jury is selected, and who are not selected to serve on the grand jury shall serve on the petit jury for the week of the term at which the grand jury is selected: *Provided*, that at other terms of the Superior Court of Bertie County, both civil and criminal, there shall be drawn and summoned, in the manner now provided by law, twenty persons from which the jury for the term of court for which they are drawn shall be selected."

1927, chap. 78.

Add a new paragraph as follows:

"At the April term of court, one thousand nine hundred and twenty-seven, held for the county of Caswell, grand juries shall be drawn as provided by law and they shall serve for a period of twelve months, or until the next succeeding April of court thereafter; that at each April term of court grand juries shall be drawn as provided by law, to serve for a period of twelve months. After the said grand juries are drawn the presiding judge shall charge them, as provided by law: *Provided*, that at any time the judge of the Superior Court presiding over either the civil or criminal court of Caswell County may call said grand jury to assemble and may deliver unto said grand jury an additional charge; or the foreman of said grand jury may at any time within his discretion call

said grand jury together for the performance of their duties: *Provided further*, that the judge of the Superior Court presiding over either the civil or criminal court of Caswell County may at any time discharge said grand jury from further service, in which event, he shall cause a new grand jury to be drawn, which shall serve during the remainder of the said twelve months."

1927, Public-Local, chap. 215.

CHAPTER XLVI

LANDLORD AND TENANT

2373. Vol. III. *Undertaking on appeal.* Amendment to this section applies only to Burke County.

1927, Public-Local, chap. 57.

CHAPTER XLIX

LIENS

2445. Vol. III. In line 8 after the word "work" insert the words "under a contract or agreement made directly with the principal contractor or subcontractor."

In line 19 between the comma and the word "has" insert the words "under a contract or agreement between said laborer or material man and the principal contractor or subcontractor."

1927, chap. 151.

2480. Now reads: "2480. *Lien on crop for advances.* If any person makes any advance either in money or supplies to any person who is engaged in or about to engage in the cultivation of the soil the person making the advances is entitled to a lien on the crops made within one year from the date of the agreement in writing herein required upon the land in the cultivation of which the advance had been expended, in preference to all other liens, to the extent of such advances. Before any advance is made an agreement in writing for the advance shall be entered into, specifying the amount to be advanced, or fixing a limit beyond which the advance, if made from time, during the year, shall not go; and this agreement shall be registered in the office of the register of deeds of the county where the person advanced resides: *Provided*, that the lien shall continue to be good and effective as to any crop or crops which may be harvested after the end of the said year, and referred to in the said lien."

1927, chap. 22.

2480-2492. Sections repealed as to Bertie County when submitted to a vote of the people and a majority shall be in favor of the same.

1927, Public-Local, chap. 173.

CHAPTER L

MARRIAGE

2500 (*b*). Vol. III. Now reads: "2500. (*b*). *Certificates executed by what physician.* The certificate referred to in the preceding section shall be executed by any reputable physician licensed to practice medicine and surgery in the State and who shall reside within the county in which said license to marry shall be applied for; or by the county health officer of such county, whose duty it shall be to examine such applicants and issue such certificates without charge: *Provided*, where a city or town is located in two or more counties, then a physician who practices medicine and surgery in the State and lives in said city may examine applicants and execute such certificates in either county in which said city may be located. Such physician residing without the county in which the marriage is to take place may issue such certificate when the clerk of the Superior Court of the county in which such physician resides certifies under his hand and seal that the person who signs such certificate is a reputable physician and surgeon, actually engaged in the practice of his profession. This clause, however, shall not be interpreted as applying to physicians residing in the town or city located in two counties: *Provided further*, that any physician who practices medicine and surgery in the State and lives within a radius of three miles of the county line in which the license is applied for may examine and execute such certificate."

1927, chap. 240.

CHAPTER LVI

MUNICIPAL CORPORATIONS

2623. Vol. III. In line 2, subsection 3, after the word "acres" insert the words: "in cities or towns having a population of more than twenty thousand the number of acres shall be in the discretion of the governing body of said city."

1927, chap. 14.

2694. Now reads: "2694. *Libraries established upon petition and popular vote.* The governing body of any incorporated city or town or county upon the petition of twenty-five per cent of the registered voters thereof, shall submit the question of the establishment of a free public library to the voters at the next municipal election or the next general election. If a majority of the qualified votes on said question be in the affirmative, the board of aldermen or town commissioners or county commissioners shall establish the library or reading room and levy and cause to be collected as other general taxes are collected a special tax of not more than ten cents on the hundred dollars of the assessed value of the taxable property of such city or town or county. The fund so provided shall constitute the library fund, and shall be kept separate from the other funds of the city or town or county to be expended exclusively upon such library."

1927, chap. 31, sec. 1.

2695-2702. In each section after the word "town" insert the word "or county," making the provisions of said sections applicable to counties as well as to cities and towns.

1927, chap. 31.

2776 (*u*). Vol. III. The last sentence of section now reads: "A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper published in such municipality, or, if there be no newspaper published in the municipality, by posting such notice at four public places in the municipality, said notice to be published the first time or posted not less than fifteen days prior to the date fixed for said hearing."

1927, chap. 90.

2792 (*b*). Vol. III. As amended by chap. 107, Extra Session 1924, strike out all of the proviso after the word "signed" in line 11 and insert in lieu thereof the following: "The owners of a majority of the street frontage to be assessed within said district shall be filed with the governing body."

Add at the end: "*Provided further,* that for the purpose of this section the word 'owners' shall be considered to mean the owners of a life estate or estate by the entirety or the estate of inheritance, and shall not include mortgagees, trustees of a naked trust, trustees under deeds of trust to secure the payment of money, lienholders, or persons having inchoate rights of courtesy or dower, and that the owners of undivided interests in any land shall be deemed and treated as one person, and such land shall be sufficiently signed for when the petition is signed by the owner or owners of a majority in amount of such undivided interest: *Provided further,* that the owner of a leasehold estate of ninety-nine years or longer shall be deemed to be the owner within the meaning of this section: *Provided further,* that the governing bodies of municipality and the officers, trustees, or boards of all incorporated or unincorporated bodies in whom is vested the right to hold and dispose of real property shall have the right by authority duly given to sign such petition. The determination of the governing body upon the sufficiency of the petition shall be final and conclusive."

1927, chap. 115.

2792 (*g*). Vol. III. Strike out the last sentence of the section and insert in lieu thereof the following: "Such governing body shall have the power and authority to provide, either in proceedings already completed or those hereafter instituted, that such assessment shall be paid in cash or in not less than five nor more than ten equal installments."

1927, chap. 241.

2806. Amendment applies only to Henderson, Greensboro, High Point, Charlotte, Thomasville, Carrboro and Concord.

Add a new subsection as follows: "2806. (1) *Authority to fix sewerage service charges; lien thereof.* The governing body of any municipality maintaining and operating a system of sewerage is hereby authorized to charge for sewerage service, to fix the rates therefor, to fix the times when such sewerage service charges or rents shall be due and payable, and to fix a penalty for nonpayment of the same when due. Such charges or rents shall be a lien upon the property served, and if any such charge or rent is not paid within ten days after the same becomes payable, it may be collected either by suit in the name of the municipality or the property subject to the lien thereof may be sold by the municipality under the same rules, regulations, rights of redemption and savings as are now prescribed by law for the sale of land for unpaid taxes: *Provided,* this act shall apply only to the cities of Henderson, Greensboro, High Point, Charlotte, Thomasville, Carrboro and Concord."

1927, Private, chap. 220.

2810. In lines 11 and 12 strike out the words "an amount not exceeding twenty-five per cent of the proceeds of sale of cemetery lots" and insert in lieu thereof the words "such portion of the proceeds of sale of cemetery lots as the governing body may deem advisable."

1927, chap. 254.

2886. Vol. III. In lines 13, 14 and 15 strike out the words "In cities over forty thousand inhabitants the mayor shall receive four thousand and five hundred dollars ($4,500.00) and the commissioners each four thousand two hundred and fifty dollars ($4,250.00)," and insert in lieu thereof the following: "In cities over forty thousand inhabitants the mayor shall receive six thousand dollars ($6,000.00) and the commissioners each five thousand five hundred dollars ($5,500.00)."

1927, chap. 243.

2943. Vol. III. To subsection (1) under subdivision (*b*) insert two new clauses as follows:

"(6) The amount which the municipality shall be entitled to receive from any railroad or street railway company under contract theretofore made for payment by such company of all or a portion of the cost of eliminating grade crossing or crossings within the municipality, which amount will be applied when received to the payment of any part of the gross debt.

"(7) Indebtedness for school purposes."

Strike out the period after the word "purposes" at the end of subsection 2 and add the following: "or are bonds for sanitary sewers, sewage disposal or sewage purification plants, the construction of which shall have been ordered by the State Board of Health or by a court of competent jurisdiction."

1927, chap. 102, sec. 1.

2947. Vol. III. Subsection 1 inadvertently omitted from chapter 106, Extra Session 1921, re-enacted and becomes subsection 1 of section 2497 as contained in Volume III.

1927, chap. 102, sec. 2.

CHAPTER LIX

NOTARIES

3172. Now reads: "The Governor may, from time to time, at his discretion, appoint one or more fit persons in every county to act as notaries public, and shall issue to each a commission. They shall hold their office for two years from and after the date of their appointment.

"Any commission so issued by the Governor or his predecessor, shall be revocable by him in his discretion upon complaint being made against such notary public and when he shall be satisfied that the interest of the public will be best served by the revocation of said commission.

"Whenever the Governor shall have revoked the commission of any notary public appointed by him, or his predecessor in office, it shall be his duty to file with the clerk of the court in the county of such notary public a copy of said order and mail a copy of same to said notary public.

"Any person holding himself out to the public as a notary public, or any person attempting to act in such capacity after his commission shall have been revoked by the Governor, shall be guilty of a misdemeanor and upon conviction be punishable in the discretion of the court, as provided for in other misdemeanors."

1927, chap. 117.

CHAPTER LXVI

PROHIBITION

3411 (*f*). Vol. III. Add a new paragraph as follows: "It shall be unlawful for any State, county, township, or municipal officer to use or cause to be used for any purpose whatsoever any automobile or other article of personal property seized by said officer for the reason that the owner of said property or one in possession thereof at time of seizure has violated the terms of the State or Federal prohibition laws or any other laws, until the respective rights of the owner or person in possession at time of seizure, or mortgagee if one should intervene, are passed upon by the proper court, and final order is made as to proper disposition of said personal property so seized. It shall be the duty of the officer seizing said automobile or other personal property to store same in a safe and suitable place, until final disposition is ordered. Any officer or officers violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars or imprisoned not to exceed thirty days."

1927, chap. 18.

3411 (*x*). Vol. III. Now reads (applying to certain counties): "From and after the ratification of this act, the board of commissioners of the several counties in the State, hereinafter named, shall pay by way of reward to the sheriff or other officers in the various counties for the capture and destruction of stills used in the manufacture of spirituous liquors, the sum of twenty dollars ($20.00) and no more, upon the production of a certificate from the clerk of the Superior Court or other court having final jurisdiction, that one or more operators of the still captured and destroyed were by the sheriff or other officer apprehended, captured and have been convicted and that no appeal has been taken from the judgment rendered, which said twenty dollars ($20.00) shall be in lieu of any and all other rewards authorized by law to be paid for the capture and destruction of stills to the sheriff or other officers in the counties hereinafter named.

"This act shall apply to the following counties only: Alleghany, Ashe, Avery, Bladen, Buncombe, Caswell, Catawba, Chowan, Craven, Duplin, Forsyth, Beaufort, Hyde, Hoke, Lee, Lenoir, Lincoln, Mecklenburg, New Hanover, Onslow, Pamlico, Pender, Perquimans, Richmond, Rockingham, Sampson, Union, Vance, Wake, Washington, Watauga, Wilkes, Wilson and Yancey."

1927, chap. 42.

For fees in Transylvania County see Public-Local, 1927, chap. 165.
For fees in Granville County see Public-Local, 1927, chap. 39.

CHAPTER LXX

ROADS AND HIGHWAYS

3751. Vol. III. In line 17 between the word "Cherokee" and the word "Columbus' insert the word "Chowan." Add at end of section: *"Provided,* that in Chowan County the powers conferred by this section shall be exercised by the road governing body as now or hereafter existing."

1927, Public-Local, chap. 45.

3794. In line 3 between the word "Macon" and the word "Pasquotank" insert the word "Madison."

1927, Public-Local, chap. 595.

3821 (*a*). Vol. III. Add a new paragraph as follows: "The State Highway Commission be, and it is hereby, vested with authority to provide for the establishment and maintenance of ferries connecting the parts of the State Highway System, whenever in its discretion the public good may so require, and to prescribe and collect such tolls therefor as may, in the discretion of the Commission, be expedient.

"To accomplish the purpose of this act said State Highway Commission is authorized to acquire, own, lease, charter or otherwise control all necessary vessels, boats, terminals or other facilities required for the proper operation of such ferries or to enter into contracts with persons, firms or corporations for the operation thereof and to pay therefor such reasonable sums as may in the opinion of said Commission represent the fair value of the public service rendered."

1927, chap. 223.

CHAPTER LXXI

SALARIES AND FEES

3883. Vol. III. In line 2 strike out the words "six thousand" and insert the words "seven thousand five hundred."

1927, chap. 69, sec. 1.

3884. Vol. III. In line 2 strike out the words "five thousand" and insert the words "six thousand five hundred."

1927, chap. 69, sec. 2.

3884 (*a*). Vol. III. Strike out the period after the word "monthly" in line 8, insert a semicolon and add the following: *"Provided,* that any such justice or judge, who has or shall have served as such for twenty-five years or longer (whether continuously or not), and whose seventieth birthday shall occur within six months next succeeding his resignation or retirement, shall be entitled to all of the benefits of this section from and after the date of his resignation or retirement, and shall also be subject to the other provisions of this act."

1927, chap. 133.

In line 7 strike out the word "now" and insert the words "from time to time."

1927, chap. 201.

3892. Vol. III. Fees of jurors in Johnston County not less than $3 nor more than $4.

1927, Public-Local, chap. 291.

Fees of all jurors in Caswell County $3 a day and mileage of five cents per mile.

1927, Public-Local, chap. 224.

Fees for jurors drawn, sworn and empaneled in courts of justices of the peace in Union County $1 and 50 cents for the six summoned.

1927, Public-Local, chap. 295.

Fees of jurors in recorder's court of Moore County $3 per day.

1927, Public-Local, chap. 416.

Fees of jurors in Harnett County $3 per day.

1927, Public-Local, chap. 448.

3903. Add at end of section: *"Provided,* that in Franklin County the clerk of the Superior Court shall not charge and collect the fee for juror ticket, including jurat, or witness ticket, including jurat, as herein prescribed."

1927, chap. 137.

Add at the end of section: *"Provided,* that in such counties of the State where the clerk of the Superior Court is now or may hereafter be paid a salary in lieu of fees, that such clerk of Superior Court shall not charge and collect a fee for juror ticket, including jurat, or witness ticket, including jurat, as herein prescribed."

This act does not apply to Chatham County.

1927, chap. 247.

3904. Vol. III. Local modifications as to clerk's fees are as follows: Alleghany, Ashe, Bertie, Buncombe, Gates, Richmond, Stokes.

1927, Public-Local, chaps. 175, 372, 551, 180, 514, 462, 593.

3905. Local modifications as to fees of coroner are as follows: Ashe, Craven, Durham, Granville, Johnston.

1927, Public-Local, chaps. 372, 338, 619, 644, 113.

3907. Local modifications as to fees of register of deeds are as follows: Alleghany, Ashe, Avery, Gates, New Hanover, Pitt.

1927, Public-Local, chaps. 175, 372, 612, 177, 390, 255.

3908. In line 12 strike out the word "thirty" and insert the word "fifty." Applies to Nash County only.

1927, Public-Local, chap. 106.

3908. Local modifications as to sheriff's fees are as follows: Alamance, Anson, Buncombe, Cherokee, Clay, Gates, Greene, Jackson, Johnston, Pitt, Richmond, Stokes, Wilson, Yancey.

1927, Public-Local, chaps. 520, 584, 76, 331, 514, 115, 650, 520, 462, 549, 116, 605.

3913. In line 2, strike out the word "two" and insert the word "four." Strike out the period at the end of section and add the following: "and they may be allowed mileage to and from their respective places of meeting not to exceed ten cents per mile."

Applies to Buncombe County only.

1927, Public-Local, chap. 168.

3914. County standard keeper. Guilford.

1927, Public-Local, chap. 26.

3918. For local laws as to pay of county commissioners see the following: Caswell, Guilford, Mecklenburg, New Hanover, Pender.

1927, Public-Local, chaps. 73, 571, 427, 44, 578, 103.

3922. Constable. Bertie and Brunswick.

1927, Public-Local, chap. 250.

3923. Justices of the peace. Ashe, Craven, Martin.

1927, Public-Local, chaps. 372, 192, 117.

CHAPTER LXXXI

WILLS

4161. In line 5 between the word "debts" and the word "until" insert the words "and payment of all taxes and debts that are a lien upon the property of the decedent, as may be allowed by order of the clerk of the Superior Court."

1927, chap. 119.

CHAPTER LXXXII

CRIMES AND PUNISHMENTS

4173. In line 5 between the word "jail" and the word "for" insert the words "or State Prison."

1927, chap. 1.

4242. In line 2 after the words "set fire to" insert the words "or burn or caused to be burned, or aid, counsel or procure the burning of."

In line 2 strike out the word "to" between the words "or" and "any."

1927, chap. 11, sec. 1.

4245. In line 5 between the words "to" and "such" insert the words "or burn or cause to be burned, or aid, counsel or procure the burning of."

1927, chap. 11, sec. 2.

4283. Add new section: "4283 (*a*). It shall be unlawful for any person, firm or corporation, to draw, make, utter or issue and deliver to another, any check or draft on any bank or depository, for the payment of money or its equivalent, knowing at the time of the making, drawing, uttering, issuing and delivering such check or draft as aforesaid, that the maker or drawer thereof has not sufficient funds on deposit in or credit with such bank or depository with which to pay the same upon presentation.

"Any person, firm or corporation violating any provision of this act shall be guilty of a misdemeanor.

"The word 'credit' as used herein shall be construed to mean an arrangement or understanding with the bank or depository for the payment of any such check or draft."

Chapter 14, 1925, is repealed.

1927, chap. 62.

4283. In line 8 after the word "court" and before the period insert the words "if the amount of such check is not over twenty-five dollars, the punishment shall not exceed a fine of fifty dollars or imprisonment for thirty days." Only applies to New Hanover County.

1927, Public-Local, chap. 636.

4331. Add new section as follows: "4331 (*a*). Any person who shall rent or hire from any person, firm or corporation, any horse, mule or like animal, or any buggy, wagon, truck, automobile, or other like vehicle, for temporary use, who shall maliciously or wilfully injure or damage the same by in any way using or driving the same in violation of any statute of the State of North Carolina, or who shall permit any other person so to do, shall be guilty of a misdemeanor and subject to punishment as hereinafter provided.

"Any person who shall rent or hire, for temporary use, any horse, mule, or other like animal, or any buggy, wagon, truck, automobile, or other like vehicle, who shall, without the permission of the person, firm or corporation from whom such property is rented or hired, sub-let or rent the same to any other person, firm or corporation, shall be guilty of a misdemeanor and punished as hereinafter provided.

"Any person who shall rent or hire, for temporary use, any horse, mule or other like animal, or any buggy, wagon, truck, automobile, or other vehicle, and who shall wilfully fail to return the same to the possession of the person, firm or corporation from whom such property has been rented or hired at the expiration of the time for which such property has been rented or hired, shall be guilty of a misdemeanor and punished as hereinafter provided.

"Any person who shall, with intent to cheat and defraud the owner thereof of the rental price therefor, hire or rent for temporary use any horse or mule or any other like animal, or any buggy, wagon, truck, automobile or other like vehicle, or who shall obtain the possession of the same by false and fraudulent statements made with intent to deceive, which are calculated to deceive, and which do deceive, shall be guilty of a misdemeanor and punished as hereinafter provided.

"Any person violating the provisions of this act shall be fined not more than the sum of fifty ($50.00) dollars or imprisoned not more than thirty (30) days."

1927, chap. 61.

4422. In line 6 strike out the word "Swain."

1927, Public-Local, chap. 70.

4426. Add new section as follows: "4426 (*d*). It shall be unlawful for any person other than duly authorized peace officers or officers of the court to represent to any person that they are duly authorized peace officers, and acting upon such representation to arrest any person, search any building, or in any way impersonate a peace officer or act in accordance with the authority delegated to duly authorized peace officers. That nothing in this act shall be construed to prohibit a private citizen in whose presence a felony has been committed from arresting such person or persons participating in the commission of said felony when such arrest is deemed necessary, or to prohibit any private citizen in whose presence an act, which would constitute a breach of the peace and for which an indictment would lie, is committed from arresting such person or persons committing said breach of the peace when such arrest is deemed necessary.

"Any person violating the provisions of section one of this act shall be guilty of a misdemeanor and upon conviction may be fined or imprisoned at the discretion of the court."

1927, chap. 229.

4437 (*d*). Vol. III. Add a new section as follows: "4437 (*d*). Any person who shall operate, or cause to be operated, or who shall attempt to operate, or attempt to cause to be operated any automatic vending machine, slot machine, coin-box telephone or other receptable designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, by means of a slug or any false, counterfeited, mutilated,

sweated or foreign coin, or by any means, method, trick or device whatsoever not lawfully authorized by the owner, lessee or licensee of such machine, coin-box telephone or receptacle, or who shall take, obtain or receive from or in connection with any automatic vending machine, slot machine, coin-box telephone or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, any goods, wares, merchandise, gas, electric current, article of value, or the use or enjoyment of any telephone or telegraph facilities or service, or of any musical instrument, phonograph or other property, without depositing in and surrendering to such machine, coin-box telephone or receptacle lawful coin of the United States of America to the amount required therefor by the owner, lessee or licensee of such machine, coin-box telephone or receptacle, shall be guilty of a misdemeanor, punishable by a fine or imprisonment, or in the discretion of the court, by both.

"Any person who, with intent to cheat or defraud the owner, lessee, licensee or other person entitled to the contents of any automatic vending machine, slot machine, coin-box telephone or other receptacle, depository or contrivance designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, or who, knowing that the same is intended for unlawful use, shall manufacture for sale, or sell or give away any slug, device or substance whatsoever intended or calculated to be placed or deposited in any such automatic vending machine, slot machine, coin-box telephone or other such receptacle, depository or contrivance, shall be guilty of a misdemeanor, punishable by a fine or imprisonment, or in the discretion of the court, by both."

1927, chap. 68.

4458. Add new subsection as follows: "10. By a fine of not less than twenty-five dollars, or by imprisonment for not less than thirty days, or both, in the discretion of the court, in Swain County."

1927, Public-Local, chap. 16.

Add new subsection as follows: "11. Any person or persons violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished in the discretion of the court in Jackson or Macon counties."

1927, Public-Local, chap. 17.

Add new subsection as follows: "12. Any person who shall be convicted of public drunkenness in Polk or Transylvania counties or who shall be found in a drunken or intoxicated condition on any public highway or at any postoffice, church, school, picnic ground, or other public gathering in either of said counties where people are assembled for any lawful purpose shall be guilty of a misdemeanor and shall, for the first offense, be fined not less than twenty-five dollars or more than fifty dollars, or imprisoned not more than thirty days, and for a similar and subsequent offense shall be fined not less than fifty dollars or imprisoned thirty days."

1927, Public-Local, chap. 532.

4480. Vol. III. Add at end of section the words "and Alamance."

1927, Public-Local, chap. 614, sec. 1.

4481. Vol. III. Add at end of section the words "and Alamance."

1927, Public-Local, chap. 614, sec. 2.

4488. In line 5 between the word "fowl" and the semicolon insert the words "and it shall be unlawful for any such person, firm, or corporation to remove said carcasses from the premises over which he shall have charge to the premises of any other person, firm, or corporation, without the written permission of the person having charge of said premises and without burying the same as herein provided."

1927, chap. 2.

4506. Now reads: "Any person who shall, while intoxicated or under the influence of intoxicating liquors or bitters, morphine, or other opiates, operate a motor vehicle upon any public highway or cartway or other road, over which the public has a right to travel, of any county or the streets of any city or town in this State, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars or imprisoned not less than thirty days, or both, at the discretion of the court, and the judge shall upon conviction, deny said person or persons the right to drive a motor vehicle on any of the roads defined in this act for a period of not more than twelve months nor less than ninety days."

1927, chap. 230.

4509. In line 4 after the word "furniture" insert the words "or upon any assignment or sale of wages, earned or to be earned."

1927, chap. 72.

CHAPTER LXXXVIII

BOARDS OF CHARITIES

5006. Add a new subsection as follows: "12. To receive, hold and administer for the purposes for which it is organized, any funds donated to it, either by will or deed, and to administer said funds in accordance with the instructions in the will or deed creating them."

1927, chap. 65.

CHAPTER LXXXIX

CEMETERIES

5030 (*a*). Vol. III. Add at the end of section: "When any lands are owned by any hydro-electric power or lighting company for use as a reservoir, on which lands there are graves, it shall be lawful for said company, after thirty (30) days' notice to the surviving husband or wife, or next of kin of the deceased, or the person in control of such graves, if any are known, and if not known, then after publishing a notice for four (4) weeks in a newspaper, published in the county and in a daily State paper, to open any such graves, and to take therefrom any dead body, or part thereof buried therein, and anything interred therewith, and to remove and re-inter the same in some other cemetery or suitable place in the same county to be selected by the next of kin, or the welfare officer of the county or the clerk of the Superior Court in the order named. Due care shall be taken to do said work in a proper and decent manner, and, if necessary, to furnish suitable coffins or boxes for re-interring said remains. Due care shall also be taken to remove, protect and replace all tombstones or other markers; so as to leave the new grave in as good condition as the former one. All of said work shall be done under the supervision and direction of the welfare officer of the county, if one, or his representatives; but if no welfare officer, then under the supervision and direction of the clerk of the court, or his representatives. All the expense connected with said work, including the actual expense of one of 'next of kin' in attending to same, shall be borne by the company doing, or causing same to be done."

1927, chap. 23.

Add at end of section: "When any person, firm, or corporation, owns any land on which is situated any cemetery or burying ground, and where it becomes necessary and expedient in the opinion of the governing body of the county or town in which any such graves are situated to remove said graves, it shall be lawful for such person, firm or corporation, after thirty days' notice to the relatives of the deceased persons buried therein, if any are known, and if none are known, then after thirty days' notice printed in some newspaper published in said county where said property lies, and if no newspaper is published in said county, then by posting notice at the courthouse door of said county, to remove said graves to a suitable plot in some other cemetery, due care being taken to protect tombstones and replace them properly so as to leave the graves in as good condition as before removal: *Provided,* that all of said work shall be done under the supervision of the county health officer and the board of county commissioners: *Provided further,* that the conveyance of the land without reservation of the burying ground shall itself be evidence of the abandonment of the same sufficient for the purposes of this act."

1927, chap. 175.

CHAPTER XC

CHILD WELFARE

5033. Now reads: "5033. *Prohibited employments of children under sixteen.* No person under sixteen years of age shall be employed or permitted to work in any of the places of occupations referred to in the preceding section for more than eight hours in any one day or forty-eight hours or six days in any one week, or after the hours of seven p.m., or before the hours of six a.m., and no person under sixteen years of age shall be employed or permitted to work in or about or in connection with any quarry or mine: *Provided,* this section shall not prevent any child over fourteen years of age working between the hours of six a.m. and seven p.m. in any of said industries, except a quarry or mine, if the child has completed the fourth grade in school."

1927, chap. 251.

CHAPTER XCII

CONFEDERATE HOMES AND PENSIONS

5168 (*i*). Vol. III. Repealed and the following enacted in lieu thereof: "The clerk of the Superior Court shall, under his seal of office, certify to the Governor the names and the number of soldiers examined in his county who are blind and maimed, or who have become paralyzed and are totally disabled by reason thereof; upon such certificate the Auditor with the approval of the Governor, is authorized

to issue his warrant to the Treasurer to pay the sum of four hundred and twenty dollars ($420.00) annually for each blind and maimed person, named in the certificate, and the clerk shall pay out such money monthly to the persons entitled to the same."

1927, chap. 96, sec. 1.

5168 (*j*). Vol. III. Now reads: "There shall be paid out of the Treasury of the State, on the warrant of the Auditor, to every person who has been for twelve months immediately preceding his application for pension a bona fide resident of the State, and who is incapacitated for manual labor, and was a soldier or sailor in the service of the Confederate States of America during the war between the States, and to the widow of any deceased officer, soldier, or sailor who was in the service of the Confederate States of America during the War between the States, if such widow was married to such soldier, or sailor, prior to the dates set forth in the widows' classification in this section, and if she has married again, is widow at the date of her application, the following sums annually, according to the degree of disability ascertained by the following grades:

"Class 'A.' To all Confederate soldiers not included in section one of this act, who are now disabled from any cause to perform manual labor, three hundred and sixty-five dollars ($365.00).

"Class 'B.' To such colored servants who went with their masters to the war and can prove their service to the satisfaction of the county and State pension boards, two hundred dollars ($200.00).

WIDOWS

"Class 'A.' To the widows of ex-Confederate soldiers who are blind in both eyes or totally helpless and confined to the house, three hundred dollars ($300.00).

"Class 'B.' To the widows of ex-Confederate soldiers who were married to such soldiers on or before January first, eighteen hundred and eighty, and to such widows who were married to such soldiers subsequent to January first, eighteen hundred and eighty, and who are now on the pension rolls by virtue of previous statutes, one hundred dollars ($100.00)."

5168 (*s*). Now reads: "Whenever a Confederate pensioner who is now on the pension list shall die after the fifteenth of September, or after the fifteenth of March, and before the December or June pension check is delivered to him or her, it shall be lawful for the clerk of the Superior Court of the county in which such pensioner lived to deliver and pay the next pension warrant due in December or June, as the case may be, to the widow or next of kin of such pensioner, or to such person as designated by the State Board of Pensions, and the endorsement of the widow or next of kin, or person designated by the State Board of Pensions, shall be a valid endorsement of such pension warrant."

1927, chap. 96, sec. 3.

5168 (*u*). Now reads: "The State Auditor is authorized, empowered and directed to apportion, distribute, and divide the money appropriated by the State for pensions, and to issue warrants to the several pensioners pro rata in their respective grades: *Provided*, that no pensioner on the list shall receive more than one dollar ($1.00) per day annually: *Provided further*, that if the money appropriated by the General Assembly for the Confederate soldiers, widows and servants is more than enough to pay them the amounts mentioned in this act, or if for any other cause, after paying the Confederate soldiers, widows and servants the amount stipulated in their respective grades as set out in this act, should there be an excess of the money appropriated for the first year, then the balance in the fund so appropriated for the first year shall revert and supplement the fund appropriated for the second year of the biennium: *Provided further*, that any moneys herein apropriated for the purposes aforesaid, shall not be needed to pay the Confederate soldiers, widows and servants the amounts stipulated in their respective grades. then such moneys shall be paid by the State Board of Pensions into the treasury and become a part of the general fund appropriated by the State for other purposes: *Provided*, that no greater amount shall be paid out under this act than is appropriated under the general appropriation maintenance act."

1927, chap. 96, sec. 4.

CHAPTER XCIV

DRAINAGE

5314. Vol. III. Add at the end: "The petition will also show whether or not the proposed drainage is for the reclamation of lands not then fit for cultivation or for the improvement of lands already under cultivation. It shall also state that, if a reclamation district is proposed to be established, such lands so reclaimed will be of such value as to justify the reclamation."

1927, chap. 98, sec. 1.

5320. Add new subsection as follows: "5. *Whether or not the district proposed to be formed is to be a reclamation district or an improvement district.* A reclamation district is defined to be a district organized principally for reclaiming lands not already under cultivation. An improvement district is defined

to be a district organized principally for the improvement of lands then under cultivation. The board of viewers shall further report, if the district is a reclamation district within the above definition, whether or not the proposed drainage would be justified by the additional value for agricultural purposes given the land so drained."

1927, chap. 98, sec. 2.

5321. In line 5 after the word "petitioners" insert the following: "And such petition shall likewise be dismissed at the cost of the petitioners if it is sought to set up a reclamation district and the viewers report that the cost of reclaiming the land would be so great as not to justify the expense of draining it."

1927, chap. 98, sec. 3.

5323. Add at the end of section: "The court shall further determine if it is sought to establish a reclamation district, whether or not the increased value of the particular land should be so great as to justify the cost and expenses of its reclaiming."

5355. Vol. III. After the word "board" in line 9 insert the following: "All bonds of reclamation districts shall have that fact noted upon the face of the bond, either by stamping or printing the same thereon. All bonds and improvement districts shall also have that fact noted upon their face."

1927, chap. 98, sec. 5.

5362. Now reads: "5362. *Assessment not collectible out of other property of delinquent.* Only the land assessed in the drainage proceeding shall be liable for drainage tax or assessment, and no other property of the landowner shall or may be sold for said drainage tax or assessment: *Provided*, that this act shall not apply to any drainage bond sold and delivered prior to the ratification hereof or to any litigation pending at the time of said ratification."

This act shall not apply to Cumberland or Robeson County.

1927, chap. 139.

5374. Add at the end of the section: *"Provided*, that if the construction of the canal or canals has been concluded and the drainage commissioners have only to maintain the canals, said board of drainage commissioners need not file and post statements of accounts every sixty days, but only the annual report required in section five thousand three hundred and seventy-five shall be required of them."

1927, chap. 98, sec. 6.

CHAPTER XCV

EDUCATION

5392. Vol. III. Strike out the period at the end of the section, insert a semicolon and add the following: *"Provided*, that in schools maintaining a nine months' term, meeting all other requirements, and offering superior instruction, fewer than forty-five pupils in average daily attendance may be considered."

1927, chap. 40.

5446. Now reads: "5446. *Children in orphanages permitted to attend public schools, expenses.* Children living in and cared for and supported by an institution established or incorporated for the purpose of rearing and caring for orphan children shall be considered legal residents of said district in which the institution is located, and a part or all of said orphan children shall be permitted to attend the public school or schools of said district, and the extra expense of teaching said children for six months in the public school or schools of said district may be borne as follows: Three-fourths of the extra expense for a term of six months of every year, as a result of the attendance of said children, may be paid out of the State equalizing fund and one-fourth out of the county fund, unless otherwise provided: *Provided further*, that the provisions of this section shall be permissive only, and shall not be mandatory."

1927, chap. 163.

5657. Vol. III. Strike out the period at the end of the section, insert a colon and add the following: *"Provided, however*, that when a special school taxing district created in accordance with the provisions of this article includes or embraces two or more districts having indebtedness incurred for the erection of school buildings, the maximum rate of fifty cents (50c) specified in this section may be exceeded by an additional rate necessary to take care of the combined aforesaid indebtedness of the several districts incurred for the erection of such school buildings."

1927, chap. 37.

5737. Vol. III. In line 2 strike out the words "the State public school fund" and insert in lieu thereof the following: "Any funds under the control of the State Board of Education upon the approval of the budget bureau."

1927, chap. 249.

CHAPTER XCVI

EDUCATIONAL INSTITUTIONS

5866. In line 2 strike out the word and figure "nine (9)" and insert in lieu thereof the words and figures "twelve (12)" (the three additional members to be appointed by the Governor within thirty days from the ratification of this act to serve for a term of four years).

Add at the end of section: "Whenever a trustee shall fail to be present for one year at the regular meetings of the board his place as trustee shall be deemed vacant and said vacancy shall be filled by the Governor."

1927, chap. 164.

CHAPTER XCIX

FIRE PROTECTION

6085. Vol. III. In line 5 after the word "workshop" insert the words "office building."

1927, chap. 55.

CHAPTER C

GENERAL ASSEMBLY

6109. In line 4 strike out the words "and captions" and insert the word "and" after the word "indexes" in the same line.

1927, chap. 217, sec. 1.

6110. Repealed.

1927, chap. 217, sec. 2.

CHAPTER CIII

HOSPITALS FOR THE INSANE

6175. Section amended so as to provide that the superintendent of the Caswell Training School may notify the sheriff within whose county any person sent from the Caswell Training School on probation, or escaped therefrom, may be found, and thereupon it shall be the duty of such sheriff forthwith to take such person and return him to said Caswell Training School at the expense of the county of the settlement of the patient.

1927, chap. 114.

6236. Vol. III. After the word "hospital" in line 13, insert the following: "as a means of such care and treatment, the said boards of directors may make rules and regulations under which the persons so committed to said institutions may be employed in labor upon the farms of said institutions under such supervision as said boards of directors may direct: *Provided*, that the superintendent and medical director of the hospital shall determine, in each case, that such employment is advantageous in the physical or mental treatment of the particular inmate to be so employed."

1927, chap. 228.

CHAPTER CVI

INSURANCE

6273. Strike out the first sentence of the section and insert the following: "The commissioner shall biennially submit to the General Assembly, through the Governor, a report of his official acts."

1927, chap. 217, sec. 5.

6413. In line 4 after the word "therein" insert the words "greater than those which are imposed by this State upon insurance companies of such other State."

1927, chap. 32.

6414. In line 2 strike out the word "foreign."

1927, chap. 167, sec. 1.

6415. Now reads: "When legal process is served upon the Insurance Commissioner as attorney for an insurance company under the provisions of this chapter, he shall immediately notify the company of such service by registered letter directed to its secretary and shall state whether or not complaint was served with the process, or, in case of a foreign country, to its resident manager, if

any in the United States; and must within two days after such service forward in the same manner a copy of the process, together with copy of complaint, if any, served on him to such secretary or manager designated by the company by written notice filed in the office of the Commissioner: *Provided,* that the thirty days fixed by statute within which to file answer when complaint is served with summons shall not begin to run until ten days after such service on the Insurance Commissioner. The Commissioner must keep a record of all such proceedings which shall show the day and hour of such service of process on such Commissioner, and whether complaint was served with such process."

1927, chap. 167, sec. 2.

6460. Now reads: "6460. *Medical examination required.* No life insurance company organized under the laws of or doing business in this State shall enter into any contract of insurance in any twelve months' period in an amount in excess of five thousand dollars ($5,000) upon any one life within this State without having previously made or caused to be made a prescribed medical examination of the insured by a registered medical practitioner; and *Provided further,* that where there has been no medical examination the policy shall not be rendered void nor shall payment be resisted on account of any misrepresentation as to the physical condition of the applicant, except in cases of fraud; and *Provided further,* that this section shall not apply to contracts of insurance issued under the group plan."

1927, chap. 13.

CHAPTER CX

MEDICINE; ALLIED OCCUPATIONS

6670. Add a new section as follows: "6670 (*a*). The Board of Pharmacy shall require and provide for the annual registration of every drug store and pharmacy doing business in this State; the proprietor of every drug store or pharmacy opening for business after the taking effect of this act shall apply to the Board of Pharmacy for registration and it shall be unlawful for any drug store or pharmacy to do business until so registered; the fee for such registration, whether original or annual, shall be one dollar ($1), and upon the payment thereof the Board of Pharmacy shall issue permit to applicant entitled to receive same. All permits issued under this section shall expire on December thirty-first of each year.

"The terms 'drug store' and 'pharmacy' as used herein shall mean any store or other place in which drugs, medicines, chemicals, poisons, or prescriptions are compounded, dispensed, or sold at retail, or which uses the title 'drug store,' 'pharmacy' or 'apothecary' or any combination of such titles, or any title or description of like import: *Provided,* that nothing in this section shall apply to the sale of domestic remedies, patent and proprietary preparations, and insecticides as set out and provided for in paragraph two of section six thousand six hundred and sixty-seven of the Consolidated Statutes."

1927, chap. 28.

CHAPTER CXI

MILITIA

6803. Strike out the sentence beginning with the word "He" in line 12 and ending with the word "officer" in line 16.

1927, chap. 217, sec. 4.

6816. Vol. III. Now reads: "6816. *Precedence of relative rank among officers of same grade in active National Guard.* Between officers of the same grade in the active National Guard, precedence, or relative rank, is determined in the following manner:

"'(*a*) According to the date of rank, which is the date of rank stated in his commission.

"'(*b*) When dates of rank are the same, according to length of active commissioned service, continuous or otherwise, in the National Guard of the United States and in the Army of the United States, not counting as service time spent on any supernumerary or retired list, or in the National Guard reserve or officers' reserve corps in an inactive status.

"'(*c*) When dates of rank and length of active commissioned military service are the same, first, according to age, the older taking precedence; second, by lot.'

"That chapter six of the Public Laws, Extra Session of one thousand nine hundred and twenty-four, be amended by striking out the following words in lines eight and nine thereof: 'Battalion adjutants, the sum of not exceeding fifty dollars,' and inserting in lieu thereof the following:

"'Regimental adjutants and adjutants of separate battalion, squadrons and similar units, the sum of not exceeding one hundred dollars.'"

1927, chap. 227.

CHAPTER CXIV

NAVIGATION

6943 (*b*). Vol. III. In line 3 between the word "advisable" and the word "and" insert the following: "including the power and authority to prescribe, reduce and limit the number of pilots necessary to maintain an efficient pilotage service for the Cape Fear River Bar, as in its discretion may be necessary: *Provided*, that the present number of eleven pilots now actively engaged in the service shall not be reduced except for cause or by resignation, disability or death."

1927, chap. 158, sec. 1.

6943 (*c*). Vol. III. In line 2 strike out the word "shall" and insert the word "may."

1927, chap. 158, sec. 2.

Caption now reads: "Creation and regulation of pilots' apprentices."

6943 (*d*). Vol. III. In line 2 between the words "to" and "make" insert the words "appoint in its discretion apprentices, and to."

1927, chap. 158, sec. 3.

6943 (*e*). Vol. III. In line 3 strike out the word "fifteen" and insert the word "eighteen."

At the end of subsection 2 add the following: "*Provided*, that the board shall have power to appoint pilots without reference to apprenticeship record as in its judgment the service may require."

1927, chap. 158, sec. 4.

6943 (*m*). Vol. III. Schedule repealed and the following substituted in lieu thereof:

COLUMN NO. 1 From Sea to Southport, or vice versa		COLUMN NO. 2 From Southport to Wilmington, or vice versa	
Feet and Under	*Rate*	*Feet and Under*	Rate
6	11.00	6	6.00
7	13.00	7	8.00
8	15.00	8	9.00
9	16.00	9	10.00
10	21.00	10	13.00
11	26.00	11	15.00
12	29.00	12	17.00
12-6	30.00	12-6	18.00
13	32.00	13	19.00
13-6	34.00	13-6	20.00
14	39.00	14	23.00
14-6	43.00	14-6	26.00
15	45.00	15	27.00
15-6	47.00	15-6	28.00
16	50.00	16	30.00
16-6	54.00	16-6	33.00
17	57.00	17	35.00
17-6	61.00	17-6	37.00
18	65.00	18	38.00
18-6	67.00	18-6	40.00
19	71.00	19	44.00
19-6	75.00	19-6	45.00
20	78.00	20	47.00
20-6	83.00	20-6	50.00
21	87.00	21	53.00
21-6	94.00	21-6	56.00
22	100.00	22	60.00
22-6	106.00	22-6	64.00
23	112.00	23	68.00
23-6	116.00	23-6	70.00
24	120.00	24	72.00
24-6	124.00	24-6	74.00
25	128.00	25	76.00
25-6	131.00	25-6	79.00
26	135.00	26	81.00
26-6	139.00	26-6	83.00
27	143.00	27	85.00
27-6	146.00	27-6	88.00
28	150.00	28	90.00
28-6	154.00	28-6	92.00
29	158.00	29	94.00
29-6	161.00	29-6	97.00
30	165.00	30	99.00

1927, chap. 158, sec. 5.

CHAPTER CXVIII

PUBLIC HEALTH

7053. Vol. III. In line 13 strike out the word "five" and insert the word "eight."

1927, chap. 143.

7130. Vol. III. Add at the end: *"Provided,* that plans and specifications for construction of privy buildings prescribed by the State Board of Health by authority of this article shall be construed as recommendatory, but not mandatory as to exact size, architecture and dimensions of same: *Provided further,* that privy buildings as used in this act shall not be construed to include any item pertaining to the exclusion of flies from excreta."

1927, chap. 244.

7220 (*d*). Vol. III. Add at the end of section: "If a tuberculous prisoner is thus transferred to the sanatorium, the county from which he is sent shall, upon notice from the sanatorium that the prisoner has recovered or is in such condition that it would be safe to return him to the county, within five days after such notice, send for said prisoner and return him to the county from which he was committed. Any failure on the part of the county to send for said prisoner as herein provided after such notice shall render the county liable for the expenses of maintaining the prisoner."

1927, chap. 127.

CHAPTER CXIX

PUBLIC HOSPITALS

7254. Add at end of section: "The board of trustees of the North Carolina Orthopædic Hospital are hereby authorized and empowered to accept gifts, grants, donations, devises, goods, and other property for and on behalf of said institution."

1927, chap. 188.

7280. In line 8 strike out the words "one hundred thousand dollars" and insert in lieu thereof the words "two hundred and fifty thousand dollars." (Same amendment passed in 1925, chap. 75.)

1927, chap. 34, sec. 2.

7281. In line 2 strike out the words "special election" and insert the words "a special election."

1927, chap. 34, sec. 3.

7284. Add new sections as follows:

"7284 (*a*). The board of commissioners for each county in the State shall have power to cause to be held in their county an election wherein this act shall be submitted to the qualified voters of said county for their approval or disapproval. Said election shall be in all respects as nearly as may be, held and conducted conformably to the rules for the election of members of the General Assembly. The said board of commissioners shall provide registration and polling books, and shall publish due notice of said election. They shall cause a new registration of voters to be made for said election, and shall publish due notice of the time and place for such registration to be made, and of the time when challenges of such registered voters may be made, all of which shall conform as near as may be, to the general laws regulating the election of members of the General Assembly. At the election those who are in favor of this act and the issuance of bonds and the levying of taxes as herein provided shall vote a ticket on which shall be printed or written, or partly printed or partly written the words "For County Tubercular Hospital," and those who oppose this act and said bonds and tax shall vote a ticket on which shall be printed or written, or partly printed or written the words "Against County Tubercular Hospital." If in said election a majority of the voters of said county registered for said election, vote for said county tubercular hospital, then this act and the following provisions thereof, shall thenceforth be in full force and effect in said county; but if in said election a majority of the said registered voters shall not vote for said county tubercular hospital, then the provisions of this act shall be in no further force and effect in said county.

"7284 (*b*). In the event said election shall have been carried in favor of said county tubercular hospital, the board of commissioners for the county in which election shall have been held shall within thirty days after a declaration of such result of such election, appoint a board of trustees for said county tubercular hospital, consisting of twelve residents of said county, three of whom shall be physicians regularly practicing in said county, and three others of said trustees shall be women. Said trustees shall be appointed in four classes, one class to serve for one year, another for two years, another for three years, and the other

for four years; (thereafter as their successors are appointed or elected, the term of office of such successors, except unexpired vacancies, shall be for four years). The successors of such trustees shall be appointed by the chairman of the board of commissioners for said county, the county superintendent of health, the clerk of the Superior Court of said county, and the mayor of the municipality constituting the county seat of said county acting jointly, and by a majority vote. Vacancies in the offices of such trustees shall be filled by the same body of public officers last mentioned.

"7284 (*c*). These said trustees shall within ten days after their appointment, meet and qualify by taking the oath of civil officers, and organize their board by the election of one of their members as chairman, and one as secretary, and by the election of such other officers as may be necessary. The treasurer of the county for which said trustees are appointed shall be treasurer of the said board of trustees, and such treasurer shall receive and pay out all moneys under the control of said board as directed by it, but shall receive no compensation from said board, and no trustee shall receive any compensation whatsoever for services performed as such trustee. Said board of trustees shall make and adopt such by-laws, rules and regulations for their own guidance and the government of the said hospital, as it may deem proper, not inconsistent with this act. It shall have the control of the expenditure of all moneys collected to the credit of the hospital, including the proceeds from the sale of such bonds, hereinafter, mentioned, and said board of trustees shall have the supervision, care and custody of the grounds, buildings and rooms purchased, constructed, leased or set apart for the purposes of such hospital, and they may employ such assistants, including a superintendent and matron and such other employees as they may deem necessary for the operation of said hospital, in so far as funds available for such purposes will permit.

"7284 (*d*). The board of commissioners for any county in which this act shall have been approved as aforesaid shall issue bonds of said county in an amount not to exceed the principal sum of two hundred fifty thousand ($250,000.00) dollars, for the purpose of purchasing a site, constructing the necessary buildings, and equipping said hospital with the necessary equipment. Such bonds shall be payable at such time or times not to exceed forty years from the date thereof, and at such place or places and bear such rate of interest not to exceed six per cent per annum and be of such denominations as the board of commissioners for said county may in its discretion determine. Said bonds shall be sold by the said board of commissioners at public or private sale at not less than par, as said board may determine. Said bonds shall be signed by the chairman of the said board of commissioners, and bear the impressed seal of the said board, attested by the clerk of the said board; the interest coupons shall bear the lithographed or engraved facsimile of the signature of the said clerk of said board. The proceeds of the sale of said bonds as received, shall be at once deposited by the said board of commissioners with the treasurer of said county, to the credit of said board of trustees for said county tubercular hospital, the official name of said board of trustees shall be 'Board of Trustees for the ..... County Tubercular Hospital,' the name of the county for which said board is appointed to be inserted in the blank space.

"7284 (*e*). The board of commissioners for any county issuing bonds under this act shall annually levy an ad valorem tax on the taxable property in such county sufficient to pay the interest on said bonds so issued, and provide a sinking fund for the payment of principal thereof, as the same may become due. Said board of commissioners shall further levy annually an additional tax not exceeding five cents on the dollar on taxable property in said county, for the purpose of providing funds sufficient when supplementing other income of said hospital, for the necessary maintenance and operation of said hospital. Said board of commissioners for such county shall also annually levy a sufficient tax to provide a sum equivalent to that expended out of moneys raised by taxes for the maintenance of said hospital, which funds so to be provided shall be disbursed by the board of commissioners for such county in the care of indigent residents of said county ill with diseases other than tuberculosis in other hospitals in such county.

"7284 (*f*). The hospital established under this act shall be for the benefit of the residents of the county in which it is situated who are or become sick with tuberculosis, but every such resident admitted to said hospital who is not a pauper, shall pay to such board of trustees of said hospital, or such other officers as it may designate, reasonable compensation for occupancy and attendance within said hospital, the amount thereof to be fixed by said board of trustees, and in the event a patient in said hospital is not able to pay in full, charges for treatment, but can pay some part thereof, arrangement may be made accordingly by said board of trustees in its discretion and as it deems right and just.

"The powers conferred by this act are conferred in addition to and not in substitution for the existing powers of counties. Any county may at its option proceed either under this act or under any other act conferring similar powers upon such county."

1927, chap. 208.

CHAPTER CXXI

REFORMATORIES

7362 (*b*). Vol. III. In line 2 strike out the word "five" and insert the word "eight."

1927, chap. 144.

7362 (*p*). Add new article to be known as Article 5 as follows:

"Art. 5. *Industrial Farm Colony for Women.* The State Industrial Farm for Women shall be under the management of a board of five directors, who shall be appointed by the Governor. At least two members of the board shall be women. Immediately upon the passage of this act the Governor shall appoint five directors for four years each, and their successors shall be appointed for terms of four years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the person whom he shall succeed. The directors shall receive no compensation for their services, but shall be paid their necessary expenses incurred while engaged in the performance of their official duties.

"The board shall hold an organization meeting within thirty days after appointment and shall elect from among its members a president, secretary and treasurer. The treasurer shall, before receiving any funds, make a good and sufficient bond payable to the State of North Carolina in such sum as may be named by the Governor and approved by the State Treasurer.

"The board of directors is authorized to use for the purpose of said institution, any site already owned by the State, when approved by the Governor and Council of State. Such land shall be located in a healthful section of the State and shall have natural drainage and adequate natural water supply. It shall also include woodland and arable land to the end that, as far as practicable, the food for the inmates may be produced on such land. The farm must also be accessible by rail or road to all sections of the State.

"The directors shall cause to be prepared plans and specifications for remodeling or erecting on such site necessary buildings for a suitable plant for the institution. The directors shall furnish and equip the same ready for use. Contracts shall be made by the directors and those calling for an expenditure of over five hundred dollars shall be duly advertised and competitive bids received thereon, but whenever possible convict labor shall be used, the compensation for such to be agreed upon by the directors and Superintendent of the State Prison. When such buildings have been prepared and equipped, and the necessary staff of officers has been organized, the directors shall make announcement that the institution is ready for the reception of inmates.

"The directors shall have control of the institution; determine the policy of the same and make necessary rules for the discipline, instruction, mental and physical examination and treatment of the inmates and for the labor of the inmates; cause to be kept proper records, including those of inmates; hold regular meetings, at least quarterly, at said institution and audit the accounts of the superintendent quarterly. They shall report biennially to the Governor the general and financial condition of said institution, with such recommendations as they desire to make.

"The directors shall appoint and remove at their discretion, a superintendent of said institution who shall be a woman of liberal education and special training and who has had experience in institutional management or social work, not of their number, and who, before entering upon the duties of her office, shall be sworn to a faithful performance of her duties. The superintendent shall receive such compensation as shall be fixed by the directors and shall reside at said institution.

"The superintendent shall manage such institution and have control over the inmates thereof, and shall make rules and regulations for the administration of said institution, subject to the approval of the board of directors. The superintendent shall, also, subject to the approval of the board of directors, determine the number, select, appoint and assign duties of all subordinate officers of said institution, who shall be women, as far as practicable, and shall be sworn to a faithful performance of their duties. As soon as the size of the institution demands it, a resident woman physician shall be employed. The superintendent may remove any officer appointed by her.

"Women sixteen years of age and older belonging to the following classes and who are not eligible for admission to Samarcand may be committed by any court of competent jurisdiction to said institution, and not otherwise; persons convicted of, or who plead guilty to the commission of misdemeanors, including prostitution, habitual drunkenness, drug-using, disorderly conduct. The board of directors may in its discretion receive and detain as an inmate of the institution any woman or girl, not otherwise provided for, who may be sentenced by any court of the United States within this State. Immediately upon commitment, a careful physical and mental examination by a competent physician and a psychologist shall be made of each person committed. The court imposing sentence upon offenders of either class shall not fix the term of such commitment except as hereinafter provided. Commitment to said institution shall be made within one week after sentence is imposed, by the sheriff when sentenced by the Superior Court, and by a police officer when sentence is imposed by any city, town or inferior court, but no offender shall be committed to such institution without being accompanied by a woman in addition to the officer. The expenses of such commitment shall be paid the same as commitments to other penal institutions in the State. The trial court shall cause a record of the case to be sent with the

commitment papers on blanks furnished by the institution. The duration of such commitment, including the time spent on parole, shall not exceed three years, except where the maximum term specified by law for the crime for which the offender was sentenced shall exceed that period, in which event such maximum term shall be the limit of detention under the provisions of this act, and in such cases it shall be the duty of the trial court to specify the maximum term for which the offender may be held under such commitment.

"Any inmate of the institution may, upon recommendation of the board of directors to the Governor, be allowed to go on parole under the following conditions: That she is in good physical condition, has ability to earn an honest living, has a satisfactory institutional record, based on the merit system, and a proper home to which she may go, or that suitable employment has been secured in advance. Each person paroled or discharged from said institution shall be given, if the superintendent deems it best, suitable clothing, transportation expenses and a sum of money not exceeding thirty dollars. Authority is conferred on said board of directors to establish such rules and regulations as it may deem necessary, setting forth the conditions upon which inmates may be discharged or recommended for parole, and to enforce such rules and regulations.

"While upon parole, each inmate of said institution shall remain in the legal custody and under the control of the board of directors, and subject at any time to be taken to said institution for any reason that shall seem sufficient to said board. Whenever any paroled inmate of said institution shall violate her parole and be returned to the institution, she may be required to serve the unexpired term of her maximum sentence, including the time she was out on parole or any part thereof, in the discretion of the board of directors, or she may be paroled again if said board of directors shall so recommend. The request of said board of directors or of any person authorized by the rules of said board, shall be sufficient warrant to authorize any officer of said institution or any officer authorized by law to serve criminal process within this State, to return any inmate on parole into actual custody; and it shall be the duty of police officers, constables and sheriffs to arrest and hold any paroled inmate when so requested, without any written warrant, and for the performance of such duty, the officer performing the same, except officers of said institution, shall be paid by the board of directors of said institution out of the institution funds such reasonable compensation as is provided by law for similar services in other cases.

"If any inmate shall escape from said institution or from any keeper or officer having her in charge or from her place of work while engaged in working outside the walls of said institution, she shall be returned to said institution when arrested, and may be disciplined in such manner as the board of directors may determine. Any person who shall advise, induce, aid or abet any woman committed to the State Industrial Farm or to the charge or guardianship of the directors of said institution to escape from said farm, or from the custody of any person to whom such woman shall have been entrusted by said directors or by their authority, shall be fined not more than five hundred dollars or imprisoned not more than one year, and any woman who shall have so escaped may, whether the limit of her original sentence shall have expired or not, be arrested and detained without warrant, by any officer authorized to serve criminal process, for a reasonable time to enable the superintendent or a director of said farm, or a person authorized in writing by the superintendent of said farm or said directors and provided with the mittimus by which such woman was committed, or with a certified copy thereof, to take such woman for the purpose of returning her to said institution, and the officer arresting her shall be paid by the State a reasonable compensation for her arrest and keeping. Any woman lawfully committed to said institution who shall escape therefrom may be imprisoned in said institution for not more than one year from the expiration of the term for which she was originally committed. Prosecutions under this act may be instituted in any county in which such woman may be arrested.

"If it shall appear to said board of directors, that any inmate on parole, although not having completed her maximum term, has maintained a satisfactory parole record, and will continue to lead an orderly life if discharged, said board may recommend to the Governor that such inmate be discharged from said institution.

"The board of directors, in making rules and regulations for the government of said institution, shall make provision for a system of general and industrial training, including useful trades and home economics, and for proper recreation facilities.

"In order to provide funds for the purposes of this act the State Treasurer is hereby authorized and directed at the request of the board of directors to be appointed hereunder and by and with the consent of the Governor and Council of State, to issue and sell not exceeding sixty thousand dollars ($60,000) in bonds of the State, properly designated and bearing such date or dates and such rate or rates of interest not exceeding five (5%) per cent per annum, payable semi-annually, as may be fixed by the Governor and Council of State, all of which bonds shall mature at one date in the year nineteen hundred and sixty-seven.

"Said bonds shall carry interest coupons which shall bear the signature of the State Treasurer, or a facsimile thereof, and said bonds shall be subject to registration and be signed and sealed as is now or may hereafter be provided by law for State bonds, and the form and denomination thereof shall be such as the State Treasurer may determine in conformity with this act.

"Before selling the bonds herein authorized to be issued, the State Treasurer shall advertise the sale and invite sealed bids in such manner as in his judgment may seem most effectual to secure the best price. He is authorized to accept bids for the entire amount of said bonds, or any portion thereof, and when the con-

ditions are equal he shall give the preference of purchase to the citizens of North Carolina; and he is empowered to sell the bonds herein authorized in such manner as in his judgment will produce the best price, but not for less than par and accrued interest.

"The proceeds of said bonds and of the bond anticipation notes herein authorized (except the proceeds of bonds, the issuance of which has been anticipated by such bond anticipation notes), shall be placed by the Treasurer in a special fund to be designated 'Farm Colony Building Fund 1927' and be disbursed only for the purposes of this act upon warrants drawn by the State Auditor.

"By and with the consent of the Governor and Council of State, who shall determine the rate or maximum rate of interest and the date or approximate date of payment, the State Treasurer is hereby authorized to borrow money at the lowest rate of interest obtainable, and to execute and issue notes of the State for the same, but only in the following circumstances and under the following conditions:

"(*a*) For anticipating the sale of any of said bonds to the issuance of which the Governor and Council of State shall have given consent, if the Treasurer shall deem it advisable to postpone the issuance of such bonds.

"(*b*) For the payment of interest upon or principal of any of said bonds then outstanding if there shall not be sufficient funds in the State Treasury with which to pay such interest or principal as they respectively fall due.

"(*c*) For the renewal of any loan evidenced by notes herein authorized.

"Funds derived from the sale of bonds shall be used in the payment of any bond anticipation notes that may have been issued in anticipation of the sale of such bonds and any renewal of such notes, and funds provided by the General Assembly for the payment of interest and/or principal of such bonds shall be used in paying the interest and/or principal of any notes or renewals thereof, the proceeds of which shall have been used in paying interest and/or principal of such bonds. Interest payments upon said notes may be evidenced by interest coupons in the Treasurer's discretion.

"The full faith, credit, and taxing power of the State are hereby pledged for the payment of the principal and interest of the bonds and notes herein authorized.

"The coupons of said bonds and notes after maturity shall be receivable in payment of all taxes, debts, dues, licenses, fines and demands due the State of any kind whatsoever.

"All of the said bonds and notes and coupons shall be exempt from all State, county and municipal taxation or assessments, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, and the interest on said bonds and notes shall not be subject to taxation as for income; nor shall said bonds or notes or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company, or other corporation.

"It shall be lawful for all executors, administrators, guardians, and fiduciaries generally, and all sinking fund commissions, to invest any moneys in their hands in said bonds or notes.

"For the retirement of the principal of said bonds at maturity a sinking fund is hereby created, into which fund the State Treasurer shall pay during each fiscal year, beginning with the year ending June thirtieth, one thousand nine hundred and twenty-nine, from any funds not heretofore pledged or appropriated, an amount equal to one (1%) per cent of the face value of the bonds theretofore issued under this act.

1927, chap. 219.

CHAPTER CXXVI

STATE DEPARTMENTS

7521. Add at end of section: "Unless otherwise specially provided by law, whenever a trustee or director of any institution supported in whole or in part by State appropriation, shall fail to be present for two successive years at the regular meetings of the board, his place as trustee or director shall be deemed vacant and shall be filled as provided by law for other vacancies on such boards. This act shall not apply to any trustee or director who holds office as such by virtue of another public office held by him and shall not apply to any trustee or director chosen by any agency or authority other than the State of North Carolina."

1927, chap. 225.

CHAPTER CXXVIII

STATE LANDS

7541. Add a new section as follows: "7541 (*a*). The State Department of Conservation and Development is hereby directed to investigate and locate all vacant and unappropriated lands now subject to entry and grant as described in sections seven thousand five hundred and forty and seven thousand five hundred and forty-one of the Consolidated Statutes, and determine what parcels of land among them seem suitable for State parks, State forests, State game refuges or shooting grounds, and report at once the result of their investigation to the Governor of the State, together with their findings thereupon, and such recommendations as to the disposition of the particular parcels of land within the meaning of this section as they may determine best. If upon such report the Governor should determine that it is to the interest of the State that any particular

parcel of such land should be devoted to such purposes, he shall recommend to the next succeeding session of the General Assembly the withdrawal of such parcel or parcels of land from entry, and immediately upon the publication of such proclamation, such parcel or parcels of land shall be devoted to the public purpose designed and specified. Upon such withdrawal from entry such parcel or parcels of land shall be administered for the purposes to which it is devoted by the said State Department of Conservation and Development."

1927, chap. 83, sec. 1.

7542. Add a new section as follows: "7542 (*a*). The State Department of Conservation and Development is hereby directed to investigate and locate the body or bodies, or parcel or parcels of marsh or swamp land, the title to which is now vested in the State Board of Education under sections seven thousand five hundred and forty and seven thousand five hundred and forty-two of the Consolidated Statutes, and determine what parcels of land among them seem suitable for State parks, State forests, State game refuges or shooting grounds, and report at once the result of their investigation to the Governor of the State, together with their findings thereupon and such recommendations as to the disposition of the particular parcels of land within the meaning of this section as they may determine best. Upon such report to the Governor, he shall bring the matter to the attention of the next succeeding session of the General Assembly and if his recommendation thereupon is approved by the General Assembly, said parcel or parcels of marsh or swamp lands shall be withdrawn from sale and shall be administered for the benefit of the people of the State for the purposes set out in this act by said Department of Conservation and Development."

1927, chap. 83, sec. 2.

7575. Now reads: "Whenever an entry and survey of any vacant and unappropriated land belonging to the State shall be filed in the office of the Secretary of State, he shall immediately investigate the character of the land and determine its market value from its character and location, and thereupon fix the price per acre for said lands. Said price so fixed by the Secretary of State shall be paid by the enterer to the Treasurer of the State before any grant of the same is made by the Secretary of State."

1927, chap. 83, sec. 3.

Add proviso: *"Provided*, that for each acre of land entered in Moore County, North Carolina, there shall be paid to the State Treasurer the sum of seven dollars."

1927, chap. 8.

7593. Vol. III. Add at the end: "The time for the registration of grants issued by the State of North Carolina, or copies of such grants duly certified by the Secretary of State under his official seal, be and the same hereby is extended for a period of two years from the first day of January, nineteen hundred twenty-seven, and such grants or copies thereof duly certified as above set forth may be registered within such time as fully as the original might have been registered at any time heretofore: *Provided*, that nothing herein contained shall be held or have the effect to divest any rights, titles, or equities in or to the land covered by such grants or any of them, acquired by any person from the State of North Carolina by or through any entry or grant made or issued since such grants were respectively issued, or those claiming through or under such subsequent entry or grant."

1927, chap. 140.

CHAPTER CXXIX

STATE OFFICERS

7663. In line 15 strike out the words "three copies" and insert the words "ten copies of the Public Laws and four copies of the Public-Local Laws, and Private Laws."

In line 19 after the word "each" insert the words, "and to each of said states, territories, districts, dominions, and provinces which shall be willing to exchange their own similar publications therefor, an additional copy of the Public Laws, such publications received in exchange to be sent to the University for the use of the School of Law."

1927, chap. 87, sec. 1.

7667. In line 11 after word "University" strike out the words "five copies" and insert the words "ten copies, whereof eight shall be for the use of the School of Law."

In line 14 between the words "each" and "and" insert the words "and to each of said states, territories, districts, provinces and dominions which shall be willing to exchange their own similar publications therefor, an additional copy, such publications received in exchange to be sent direct to the library of the University for the use of the School of Law."

1927, chap. 87, sec. 2.

7667 (*a*). Add a new section as follows: "7667 (*a*). Upon the written request of the librarian of Duke University or the librarian of the Law School of Wake Forest College the Secretary of State shall furnish to each of such schools making such requests from the publications of the State now available, such volumes as may be necessary to complete such incomplete sets as said schools now have in the main library or law library of such schools, of Supreme Court Reports, Public, Public-Local and Private Laws, Senate and House Journals and public documents; and in addition thereto, three complete sets of the State Supreme Court Reports for the use of the law schools of said schools."

1927, chap. 87, sec. 3.

CHAPTER CXXXI

TAXATION

8005 (*a*). In line 7 as amended by chapter 80, 1925, after the words "one thousand nine hundred and twenty-four" insert the words "one thousand nine hundred twenty-five and one thousand nine hundred and twenty-six."

1927, chap. 89, sec. 1.

8005 (*d*). In line 2 as amended by chapter 80, 1925, strike out the words "one thousand nine hundred and twenty-seven" and insert the words "one thousand nine hundred and twenty-nine."

1927, chap. 89, sec. 2.

8006. Now reads: "8006. *Personalty first exhausted.* The personal property of the taxpayer shall be levied upon and shall be sold for the satisfaction of his taxes before resorting to his real estate, if sufficient personalty subject to levy and sale can be found in the county of the sheriff having the tax list in hand: *Provided,* it shall be incumbent upon the taxpayer, mortgagee or other lien holder on taxpayer's realty, if said mortgagee or holder has notified the sheriff that he holds such mortgage or other lien, to point out to the sheriff personalty out of which the taxes may be made or else such taxpayer shall forfeit his rights under this section and his real estate shall be subject to the lien for taxes as if no other property had been listed by him."

1927, chap. 221, sec. 1.

8013. Repealed.

1927, chap. 221, sec. 2.

8028. Repealed and the following substituted in lieu thereof: "8028. *Remedy of holder of certificate of sale.* Every county, person, firm or corporation, private or municipal, who has purchased any lands or interest in the same at any tax sale, as evidenced by sheriff's certificate of sale, or becomes a holder of any sheriff's certificate of sale referred to in section 8024, Consolidated Statutes, shall have the right of foreclosure of said certificate of sale by civil action and this shall constitute his sole right and only remedy to foreclose the same."

1927, chap. 221, sec. 4.

8029, 8030, 8031, 8032, 8033, 8034. Repealed.

1927, chap. 221, sec. 3.

8035. Repealed and the following enacted in lieu thereof: "8035. *Adjustment on sale by mistake.* When by mistake or wrongful act of the sheriff real estate has been sold on which no tax was due at the time, or whenever land is sold in consequence of error in describing said land in the tax receipt, the county or other municipal corporation, shall reimburse the purchaser by paying to him the amount of principal and costs by him expended in such purchase, with interest thereon at six per centum per annum; and the sheriff shall be liable to the county, or other municipal corporation, upon his tax bond, for all amounts so expended by it, or the purchaser and assigns may recover such amount and interest directly from the sheriff in an action upon his tax bond. But the sheriff and his sureties in all such cases as are provided for in this section shall be liable only for the wrongful acts of the sheriff and his deputies. Any amount paid by the county under this section for State taxes shall, on proper certificate from the chairman of the board of county commissioners, be allowed by the auditor and paid by the State Treasurer."

1927, chap. 221, sec. 4.

8036. Repealed and the following enacted in lieu thereof: "8036. *Lien of purchaser.* The purchaser at a sale for taxes, and his heirs and assigns, shall have a lien on the real estate by him purchased at such sale for the amount of the purchase money paid and all interest, penalties, costs and charges allowed him by law; and if, after his purchase, he pays any taxes or assessments levied upon or which constitute an encumbrance upon such real estate, whether assessed before or after such purchase, he shall have a lien for all sums so paid out and for all interest, penalties, costs and charges allowed him by law."

1927, chap. 221, sec. 4.

8037. Repealed and the following enacted in lieu thereof: "8037. *Purchaser shall foreclose.* Every holder of a sheriff's certificate of sale of real estate for taxes shall have the right of lien against all real estate described in the certificate as in case of mortgage, and shall be subrogated to the rights of the State and of the county, or other municipal corporation, for the taxes for which such real estate was sold, and shall be entitled to a judgment for the sale of such real estate for the satisfaction of whatever sums may be due to him upon such certificate of sale and for any other amount expended by him upon any other such certificate of sale of such real estate, or for taxes or assessments paid which were a lien upon such real estate, whether paid prior or subsequent to the acquisition of such certificate of sale. Such relief shall be afforded only in an action in the nature of an action to foreclose a mortgage, which action must be commenced as herein provided. Such action shall be governed in all respects as near as may be, by the rules governing actions to foreclose a mortgage. Any one who has paid taxes on the subject-matter of the action, or who holds a certificate of sale, or claims any other interest in said lands, shall be made a party if his lien, interest or claim is disclosed by the records at the time of the filing of the complaint in said action, and his rights enforced therein.

"Advertisement shall be ordered in said action, giving notice to all other persons claiming any interest in the subject-matter of the action, to appear and defend their claim. Said notice shall describe the nature of the action and shall require such persons to set up their claim in said action upon pain of being forever barred and foreclosed of the same; and said notice shall be published as in cases of publication of summons. Service of process in such actions shall be governed by the same rules as service of other process.

"In the complaint filed in such action each certificate of sale held by the plaintiff and each sum expended by him for taxes or assessments on such real estate, or claimed by him as a lien on same, shall be set out separately. The description set out in the tax sale certificate shall be sufficient to support the lien and certificate of sale and the court shall require a description which is in fact and in law sufficient description of the real estate to be set out in the published notice, if any, as above provided, and in the interlocutory judgment of sale and in the final judgment of confirmation and to the end that such description may be obtained, the resident or presiding judge may order a survey of said real estate, if in his opinion a survey is necessary.

"Every county, or political subdivision of the State which is now, or may hereafter become, the holder by purchase at sheriff's sale of land for taxes of any certificate of sale, shall bring action to foreclose the same within eighteen months from the date of the certificate.

"The certificate of sale shall bear interest at the rate of 20 per centum per annum on the entire amount of taxes and sheriff's cost, for a period of twelve months from the date of sale and thereafter shall bear interest at the rate of 10 per centum per annum until paid, or until the final judgment of confirmation is rendered, but every holder of a certificate other than county, municipal corporation or other political subdivision, shall, in case said action is not instituted within eighteen months from the date of the first certificate of sale, only receive after the expiration of eighteen months on all amounts expended on, or in connection with, said purchase interest at the rate of 6 per centum per annum. In any action to foreclose the cost shall be taxed as in other civil actions and shall include an allowance for the commissioner appointed to make the sale, which shall not be more than 5 per centum of the amount at which the land is sold and one reasonable attorney's fee for plaintiff.

"All certificates of sale evidencing purchases by counties shall immediately, upon being allowed as a credit in the settlement with the sheriff of the county, be delivered to the county accountant, county auditor, or other officer, specifically designated by the board of county commissioners, or other governing board of the county, except sheriff or tax collecting officer, and it shall be the duty of the officer, or such officer designated, to collect the same. In making the collection he shall collect interest at the rate provided in this chapter, which shall not be remitted either by said officer or the governing board of the county, or other political subdivisoin. If, at the end of fourteen months from the date of the certificate of sale, full collection of the tax, interest and cost has not been made, such officer shall proceed to foreclose the certificate of sale under the provisions of this article, and said action shall be instituted within eighteen months from the date of the certificate of sale. Such officer shall call upon the county attorney to conduct the action to foreclose the certificate of sale and it shall be his duty to prosecute said action as vigorously as may be necessary to obtain early final action. After the institution of the action by counties or municipalities, the taxpayer shall have no right of redemption except upon the payment of the full tax, interest and other sums, and all cost and allowances: *Provided*, that the institution of the action to foreclose shall not affect the rate of interest to be collected and the governing board of the county, or municipality, shall have no authority to

remit or reduce the interest due under the certificate of sale, or otherwise interfere with the action to foreclose. No action to foreclose a certificate of sale shall be instituted after the expiration of three years from the date of same."

1927, chap. 221, sec. 4.

8037 (*a*). Insert a new section as follows: "8037 (*a*). Any officer required by this act to collect certificates of sale, or foreclose the same, or designated by the governing board of any county to perform said duties, who shall neglect his duties with respect thereto, shall upon conviction be guilty of a misdemeanor and subject to such fine or imprisonment as may be imposed by the court in its discretion and, in addition thereto, shall be liable for any loss resulting from his negligence."

1927, chap. 221, sec. 4.

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